



AGENDA
PAYETTE PLANNING & ZONING COMMISSION
May 19, 2016
REGULAR MEETING

CHAIRMAN RANDY CHOATE PRESIDING

JIM FRANKLIN PEGGY CHILDERS
JODY HENDERSON NIAL BRADSHAW
RON WALLACE GARY YOUNGBERG

6:00 PM – Regular Meeting

- I. ROLL CALL
- II. APPROVAL OF MINUTES
 - A. 04-14-2016 Special Meeting..... 1-2
 - B. 04-28-2016 Regular Meeting..... 3-9
- III. COMMUNICATIONS
- IV. PUBLIC HEARING (Items A, B, C are continued from the Special Meeting on March 10,2016 as were re-advertised May 04,2016)
 - A. A re-zone application by Frank & Kimmie Serrano for property located at 307 N. 9th Street, from Commercial to C1-Commercial Downtown. Chase Addition, Block 2, Lots 1 thru 5, Payette County Records. **(WITHDRAWN 5/16/2016)**
 - B. An application by Frank & Kimmie Serrano for a Conditional Use Permit for property located at 307 N. 9th Street, to allow residential use in a C1-Commercial Downtown, Chase Addition, Block 2, Lots 1 thru 5, Payette County Records. The property is zoned Commercial. **(WITHDRAWN 5/16/2016)**
 - C. An application by Frank & Kimmie Serrano for a Conditional Use Permit to sell beer & wine at 307 N. 9th Street, Chase Addition, Block 2, Lots 1 thru 5, Payette County Records. The property is zoned Commercial. **(WITHDRAWN 5/16/2016)**
 - D. An application by Karen Eby for a Conditional Use Permit to have a home occupation/retail shop located at 1844 7th Ave North # 13. North Payette Tax 3 BLK 46 Less S 40' Sec 27-9-5. The property is zoned B- residential.
 - E. An application by Larry Armstrong for a Conditional Use Permit to have 4 trucks for his trucking company, as well as use the shop for his own repairs at property located 1700 North 6th Street. W 175' of Blk 12 Riverside Plat. The property is zoned B- Residential.
 - F. An application by James & Mardelle Kropp for a Conditional Use Permit to have a 20'x 21' storage shed on an existing cement pad at the property located at 2059 Decker Drive. Lot 6 BLK 3 Deckers 2nd sub. The property is zoned is zoned A- Residential.

G. An application by Gene Lancaster for a Conditional Use Permit to allow pasturing of no more than 54 horses on the land for the property located at the Lancaster Development between Center Avenue and Payette Heights road. W1/2SWNE LESS TAX 39 & 40 SEC 35-9-5 & W1/2E1/2SWNE LESS S 264' SEC 35-9-5. The property is zoned A- residential.

V. AGENDA ITEMS (Items A, B, C are continued from the Special Meeting on March 10,2016 as were re-advertised May 04,2016)

- A. A re-zone application by Frank & Kimmie Serrano for property located at 307 N. 9th Street, from Commercial to C1-Commercial Downtown. (WITHDRAWN 5/16/2016)
- B. An application by Frank & Kimmie Serrano for a Conditional Use Permit for property located at 307 N. 9th Street, to allow residential use in a C1-Commercial Downtown. (WITHDRAWN 5/16/2016)
- C. An application by Frank & Kimmie Serrano for a Conditional Use Permit to sell beer & wine at 307 N. 9th Street, Chase Addition, Block 2, Lots 1 thru 5, Payette County Records. (WITHDRAWN 5/16/2016)
- D. An application by Karen Eby for a Conditional Use Permit to have a home occupation/retail shop located at 1844 7th Ave North # 13.....**10-24**
- E. An application by Larry Armstrong for a Conditional Use Permit to have 4 trucks for his trucking company, as well as use the shop for his own repairs at property located 1700 North 6th Street.**25-38**
- F. An application by James & Mardelle Kropp for a Conditional Use Permit to have a 20'x 21' storage shed on an existing cement pad at the property located at 2059 Decker Drive.....**39-51**
- G. An application by Gene Lancaster for a Conditional Use Permit to allow pasturing of no more than 54 horses on the land for the property located at the Lancaster Development between Center Avenue and Payette Heights road.....**52-66**
- H. Ordinance Change- Liquor License Locations.....**67-68**
- I. Non- Conforming Lots- Payette City Code Chapter 17.56.....**69-77**
- J. Source Water Protection Ordinance.....**78-89**
- K. Sidewalk Cafés.....**90-93**

VI. PUBLIC COMMENT

VII. ADJOURNMENT

VIII. *Any person needing special accommodations to participate in the above noticed meeting should contact the City at least 5 days before the meeting at 700 Center Avenue or at 642-6024.*



NOTICE OF PUBLIC HEARING

The Payette City Planning & Zoning Commission will conduct a Public Hearing during a regular scheduled meeting to receive input concerning the following:

A. A re-zone application by Frank & Kimmie Serrano for property located at 307 N. 9th Street, from Commercial to C1-Commercial Downtown. Chase Addition, Block 2, Lots 1 thru 5, Payette County Records.

B. An application by Frank & Kimmie Serrano for a Conditional Use Permit for property located at 307 N. 9th Street, to allow residential use in a C1-Commercial Downtown, Chase Addition, Block 2, Lots 1 thru 5, Payette County Records. The property is zoned Commercial.

C. An application by Frank & Kimmie Serrano for a Conditional Use Permit to sell beer & wine at 307 N. 9th Street, Chase Addition, Block 2, Lots 1 thru 5, Payette County Records. The property is zoned Commercial.

D. An application by Karen Eby for a Conditional Use Permit to have a home occupation/retail shop located at 1844 7th Ave North # 13. North Payette Tax 3 BLK 46 Less S 40' Sec 27-9-5. The property is zoned B- residential.

E. An application by Larry Armstrong for a Conditional Use Permit to have 4 trucks for his trucking company, as well as use the shop for his own repairs at property located 1700 North 6th Street. W 175' of Blk 12 Riverside Plat. The property is zoned B- Residential.

F. An application by James & Mardelle Kropp for a Conditional Use Permit to have a 20'x 21' storage shed on an existing cement pad at the property located at 2059 Decker Drive. Lot 6 BLK 3 Deckers 2nd sub. The property is zoned is zoned A- Residential.

G. An application by Gene Lancaster for a Conditional Use Permit to allow pasturing of no more than 54 horses on the land for the property located at the Lancaster Development between Center Avenue and Payette Heights road. W1/2SWNE LESS TAX 39 & 40 SEC 35-9-5 & W1/2E 1/2SWNE LESS S 264' SEC 35-9-5. The property is zoned A- residential.

The Public Hearing on the above proposal will be held **May 19th, 2016 at 6:00 PM**, or shortly thereafter, in the Payette Council Chambers, 700 Center Avenue, Payette, Idaho. Interested citizens may appear with regard to the foregoing item and will be given the opportunity to be heard in support of, or in opposition to the proposal. The Public is invited and encouraged to attend.

Any person needing special accommodations to participate in the above noticed meeting should contact the City at least 5 days before the meeting at 700 Center Avenue or at 642-6024.

Matea Gabiola, Administrative Assistant

**MINUTES
PAYETTE PLANNING & ZONING
Special Meeting
April 14, 2016**

5:30 PM – Special Meeting

- I. ROLL CALL: Jim Franklin, Peggy Childers, Gary Youngberg, Nial Bradshaw.
Members Absent: Chairman Randy Choate, Ron Wallace, Jody Henderson.
Staff Present: Mary Cordova

- II. APPROVAL OF MINUTES
3-24-2016 Meeting Minutes

A motion was made by Franklin and seconded by Bradshaw to approve the meeting minutes of 3/24/2016 as written.

The motion CARRIED by unanimous voice vote.

- III. COMMUNITCATIONS
None

- IV. PUBLIC HEARING

- A. An application for a variance to the side yard setback for Don & Liz Belvoir for property located at 1207 7th Ave North, Blk 23 less tax1 & E 75' & RW. The property is zoned B-residential. Don Belvoir, 1207 7th Avenue North, Payette, ID, 83661, addressed the Commission. He stated that she is asking for a variance to the side yard setback to construct an addition on their existing residence. The addition, consisting of a new bedroom and bathroom, will be in line with the existing residential structure, and will not encroach any further into the setback than the existing residential structure.

Letter submitted by Jamie & Gretchen Couch, 1215 7th Avenue North, Payette, ID, 83661, stating no opposition to new addition.

Ms. Cordova explained that the existing structure is currently encroaching in the side setback by four feet. The home was originally constructed in the forties, at a time where there were no setback requirements. There is a proper and sufficient distance between the residential structures.

The Public Hearing closed.

V. AGENDA ITEMS

A. An application for a variance to the side yard setback for Don & Liz Belvoir for property located at 1207 7th Ave North. The property is zoned B-residential.

A motion was made by Franklin and seconded by Youngberg to recommend to the City Council to approve the Variance application request by Don & Liz Belvoir for a side yard variance from the required eight foot to four feet at the location of 1207 7th Avenue North.

The motion CARRIED by unanimous voice vote.

VI. PUBLIC COMMENT
None

VII. ADJOURNMENT

A motion was made by Youngberg and seconded by Childers to adjourn the meeting at 6:20 PM.

After unanimous voice vote, motion CARRIED

Mary Cordova
Recording Secretary

MINUTES
PAYETTE PLANNING & ZONING
Regular Meeting
April 28, 2016

6:00 PM – Regular Meeting

- I. ROLL CALL: Jim Franklin, Peggy Childers Jody Henderson, Gary Youngberg, Nial Bradshaw and Ron Wallace.
Members Absent: Chairman Randy Choate
Staff Present: Mary Cordova & Matea Gabiola

- II. APPROVAL OF MINUTES
None.

- III. COMMUNITCATIONS

- IV. PUBLIC HEARING
 - A. A re-zone application by Frank & Kimmie Serrano for property located at 307 N. 9th Street, from Commercial to C1-Commercial Downtown. Chase Addition, Block 2, Lots 1 thru 5, Payette County Records.

No one was in attendance for this item, due to no receipt of site plan by requested date.

 - B. An application by Frank & Kimmie Serrano for a Conditional Use Permit for property located at 307 N. 9th Street, to allow residential use in a C1-Commercial Downtown, Chase Addition, Block 2, Lots 1 thru 5, Payette County Records. The property is zoned Commercial.

No one was in attendance for this item, due to no receipt of site plan by requested date.

 - C. An application by Frank & Kimmie Serrano for a Conditional Use Permit to sell beer & wine at 307 N. 9th Street, Chase Addition, Block 2, Lots 1 thru 5, Payette County Records. The property is zoned Commercial.

No one was in attendance for this item, due to no receipt of site plan by requested date.

 - D. An application by Juan Lopez for a Conditional Use Permit to have the second story of the warehouse as a living space for the owner of the store. As well as storage units to store citizens' personal property at 653 North 7th Street Payette, ID 83661. Lots 1&2, BLK 3, Browns Addition. Property is Zoned C-2 Commercial. Juan Lopez, 934 3th Ave North

addressed the Commission. Mr. Lopez stated that he didn't understand as to the reason he was here due to thinking that in the original meeting everything was taking care of. On the first meeting on October 22, 2015 he thought he stated that there was to be residential use, storage units as well as a warehouse. He was upset at the last Planning & Zoning meeting because he was not allowed to talk. Ms. Gabiola stated that Mr. Lopez is here due the storage units and residential use. In the original meeting October 22, 2015 the agenda item for the rezone only. Mr. Lopez is having to come before the Planning & Zoning Commission tonight in regards to the storage units and residential use. In a commercial zone the storage of citizens' personal property and residential use are Conditional Uses, meaning they are separate from the rezone and he would have to apply for them separately. Mr. Lopez stated that he was under the impression due to them wanting to do that in the future that it was taken care of, even though the future has come to pass earlier than expected. Mr. Franklin stated that what the Commission is addressing tonight is the storage units for citizens' personal property as well as the second story being used as residential. Ms. Childers asked if the Commission approved this permit and he moves out of the second story of the building. Do we have to reapprove another applicant? Mr. Franklin stated yes, Conditional Use Permits are meant to be personal. Mr. Lopez stated he understand this permit is only for the owner of the warehouse, and it will only be him residing in the 24'x 24' studio apartment. Mr. Youngberg stated that he reviewed the meeting minutes from the October 22, 2015 meeting and we specifically talked about it not being a residence. Mr. Lopez asked the Commission was that something that he talked about or the Commission. Mr. Youngberg stated that was part of what the Commission approved, and they had asked if that was to ever be used as a residence on a commercial lot. Mr. Lopez stated that when the Commission was talking amongst themselves he and Mr. King raised their hands, to state in the future there was to be a residence. There was to be an office in the beginning, then remodel in the future for a studio apartment, but they were not allowed to explain what was being said. There were things that he wanted to clarify, but they were not allowed. Mr. Franklin addressed the way the Planning & Zoning meetings are structured. First there is a public hearing where the applicant as well as any citizen is allowed to give testimony regarding the item, then public hearing is closed. After the public hearing is closed then the decision is made and the Commission cannot take any more public testimony. Mr. Lopez stated he understands that. Mr. Franklin stated that this time let's make sure all questions or concerns get answered. Mr. Franklin asked Mr. Lopez if he is aware that there are different building standards for the residential use. Mr. Youngberg asked if fire suppression was to be required. Mr. Lopez stated he is aware, he is not a builder, but will be remodeling this himself and will take advice from someone who knows how to build it.

Ms. Gabiola stated that the City wanted the Commission to know that a Certificate of Occupancy wasn't issued for the original building yet, a drainage plan, landscaping, and sidewalk issue hasn't been addressed, and that is required. Mr. Lopez stated he thought that was addressed in the warehouse plans. Ms. Gabiola stated as far as she is aware that it was not, but due to its change in use it is now required. Mr. Lopez wanted to know why the building inspector, Steve Pierson, signed off on something if it wasn't completed. Ms. Gabiola stated that she was just relaying what she was told. Mr. Lopez stated if that is something that needs to be done it will be done, but the building inspector failed to make sure it was there in the first place. Ms. Gabiola stated to just visit with the building inspector to get on the same page. Mr. Youngberg stated to also addressed that there are landscaping and sidewalk requirements on a commercial lot, that is required by the code. Mr. Lopez stated that he spoke to the City about the sidewalks and has no problem improving them, but he can't afford to do them all at one time. Mr. Lopez stated since it was talked about, he believed that was already out of the way. Mr. Franklin stated that the Commission is to only approve or deny the two items that they have in front of them. Mr. Lopez stated he will address the other issues in front of him. Mr. Youngberg wanted to stated that all the Commission is doing is authorizing these items requested, but the other issues needed to be addressed.

- E. An application by Eric Saenz for a Conditional Use Permit to exceed height fence regulations from 36" to 72" at 1836 1st Avenue South Payette, ID 83661. Lot 6- E1/2 Lot 5, BLK 4. Property is zoned A-Residential. Eric Saenz 1836 1st Ave South addressed the Commission. Mr. Saenz presented a PowerPoint presentation on his property, on what he is wanting to accomplish as well as other houses in the city with the six-foot fencing much like what he is wanting to do. Mr. Saenz stated actual size is under six foot, it a solid wood panel from Home Depot. Mr. Saenz stated prior to beginning to construct the fence, he was unaware of the City codes as well as him learning where he lives on a corner lot he actually has two front yards. What his ultimate goal is to fence off part of his yard to park his travel trailer, jet skis and snowmobile to hide them and improve the look of the property. Mr. Franklin stated that Mr. Saenz hit the nail on top of the head that the main points of concerns are the line of visibility and the site triangle. Mr. Franklin asked Mr. Saenz if he knows if his fence would impose the line of site. Mr. Saenz stated that it will not, which he will show in his PowerPoint presentation. Mr. Franklin asked if he would be ok with having our Police Chief come and review the fence and property for public safety. Mr. Saenz doesn't see any problem. Mr. Saenz presented his PowerPoint. Ms. Henderson asked if he wants side access. Mr. Saenz stated no just to create some privacy. Mr. Youngberg stated that current code stated that if a fence stands at three feet within the setback it is fine correct? Mr. Franklin stated yes we

are addressing the setback too. Mr. Saenz stated that all he is wanting to do is bring the fence to the curb from the side of his house to create privacy and to build is six feet high. Mr. Saenz stated from the corner of the proposed fence on 19th Street to 1st Ave South is 62 feet and from the corner down 1st Ave South is 67 feet. Mr. Bradshaw asked if there was to be any fencing up 19th Street to the corner of the curb. Mr. Saenz said no there will not, and all utilities are accessible. If for some reason that something needs to be accessed within his fence he has no problem taking it down. Mr. Youngberg asked Mr. Saenz if a 3-foot fence would suffice. Mr., Saenz stated no it defeats the purpose because it doesn't hide what is parked there or create privacy into his bathroom and bed room windows.

Darlene Shelly, 170 South 19th Street addressed the Commission. Ms. Skelly is in favor of this fence and will add value to the house and make it look nice.

Phil Skelly, 170 South 19th Street addressed the Commission. Mr. Skelly is in favor of this fence and has no problem.

Marion Selover, 1905 1st Ave South addressed the Commission and he is in favor of the fence, and it makes the house look better.

The Public Hearing for Items A, B & C will continue due to receipt of the site plan not being collected on requested date.

The Public Hearing for Item D & E is closed.

V. AGENDA ITEMS

- A. A re-zone application by Frank & Kimmie Serrano for property located at 307 N. 9th Street, from Commercial to C1-Commercial Downtown.

No action was taken on this item. Public Hearing will continue on the next Planning & Zoning Meeting contingent upon receipt of the Site Plan from the applicant.

- B. An application by Frank & Kimmie Serrano for a Conditional Use Permit for property located at 307 N. 9th Street, to allow residential use in a C1-Commercial Downtown.

No action was taken on this item. Public Hearing will continue on the next Planning & Zoning Meeting contingent upon receipt of the Site Plan from the applicant.

- C. An application by Frank & Kimmie Serrano for a Conditional Use Permit to sell beer & wine at 307 N. 9th Street.

No action was taken on this item. Public Hearing will continue on the next Planning & Zoning Meeting contingent upon receipt of the Site Plan from the applicant.

- D. An application by Juan Lopez for a Conditional Use Permit to have the second story of the warehouse as a living space for the owner of the store. As well as storage units to store citizens' personal property at 653 North 7th Street Payette, ID 83661.

Mr. Bradshaw stated that he doesn't really like having the residential use, due to the fact that right in the Planning & Zoning minutes and City Council minutes stating that it wasn't going to ever be a residential use. Also the fact that it wasn't clear on the application. However, if it was on the original application, the residential request he can't guarantee that there would have been a positive vote to the Planning & Zoning part. Mr. Bradshaw feels like it's asking for forgiveness rather than permission. Mr. Franklin stated that in speaking with Mr. Lopez, he does understand that there is difference between residential construction and commercial construction, also that there is other rules and possible complications. It would have been better if everything was handled up front in the beginning, rather than chopping it up. Mr. Franklin stated he doesn't see any issues with these uses, it just didn't go down like it should have. Mr. Bradshaw stated he agrees, but that in the motion we should consider and add the staff recommendations which are re-enforcing the drainage plan, landscaping, and sidewalks. Mr. Youngberg stated that is simply just complying with City code so it has to be enforced. Ms. Henderson stated the part that bothers her the most, is it says in two different meetings minutes that there wasn't ever going to be residential use. As far as she understood from the original meeting, there was to not be living quarters, but an office with a bathroom, a ware house for the grocery store and the storage units.

A motion was made by Bradshaw and seconded by Childers to approve the Conditional Use Permit by Juan Lopez for the storage of citizens' personal property and the second story to be used as residential with the stipulations listed below for the the property located at 653 7th Ave No.

1. Drainage plan completed
2. Landscape plan completed
3. Sidewalk repair or install

The motion CARRIED by unanimous voice vote.

Daniel Lopez, Payette, ID, addressed the Commission and asked a question regarding the sidewalks. Who granted the new building on HWY 95 to use blacktop as a sidewalk. Ms. Gabiola stated that HWY 95 is State highway, they probably had something to do with it, not the building inspector or the Planning & Zoning.

Juan Lopez 934 3rd Ave North Payette, ID had a question also.

Mr. Franklin stated the public hearing is closed and the Commission isn't supposed to take testimony, but ask the question.

Mr. Lopez stated from his understanding he will have to fix the sidewalks before he can use the building as storage units and residential.

Mr. Franklin stated that is a stipulation of the permit, sidewalk repair or install.

Mr. Lopez stated he did talk to the City about the sidewalks, and they knew when the sidewalks were being destroyed and they did nothing about it. He stated that they were ok with just fixing them as I go, in the original meeting about the warehouse. Mr. Lopez stated that to fix the sidewalks he has no other money to get his business running and finish the apartment. The City knew exactly what was going on with the sidewalks and did nothing about it. If the Planning & Zoning Commission puts that stipulation in the permit, it cuts his legs out from underneath him.

Mr. Bradshaw stated this has to be done, it is in the City code. Mr. Bradshaw gave the example that if he bought a new house that had no sidewalks, he as the owner has the responsibility to build them it is part of the development. Damaged or not, its repair or install.

- E. An application by Eric Saenz for a Conditional Use Permit to exceed height fence regulations from 36" to 72" at 1836 1st Avenue South Payette, ID 83661.

Mr. Franklin stated his only concern is the site triangle which was addressed, and will be reviewed by the police department for its visibility.

A motion was made by Mr. Youngberg and seconded by Ms. Henderson to approve the Conditional Use Permit for Eric Saenz to exceed height fence regulations from 36" to 72," and built to the property line located at 1836 1st Ave South, provided site triangle maintained and public safety verifies.

The motion CARRIED by unanimous voice vote.

VI. PUBLIC COMMENT
None

VII. ADJOURNMENT

A motion was made by Henderson and seconded by Youngberg to adjourn the meeting at 7:21pm.

After unanimous voice vote, motion CARRIED.

Matea Gabiola
Recording Secretary

DRAFT

STAFF REPORT

P&Z Public Hearing Date: May 19, 2016

Applicants Name: Karen Eby

Describe Request: Conditional Use Permit – for home occupation/retail shop.

Property Zoned: B- Residential

Address: 18447th Ave North

Property Size: 6.46 Acres

Access: 7th Ave North

Structures: Residential Unit

Comp Plan: B- Residential

Surrounding Uses: B- Residential

Employees:

Hours: Thurs & Friday 12 pm-7 pm Sat 10-4

Sign:

Payette City Code:

HOME OCCUPATION: Any gainful occupation engaged in by an occupant of a dwelling unit and meeting the requirements of section [17.64.150](#) of this title.

7.64.150: HOME OCCUPATIONS:

- A. No more than one person other than members of the family residing on the premises shall be engaged in such occupation. In an A residential district, no nonfamily employees are allowed.
- B. The use of the dwelling unit or garage for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty percent (20%) of the floor area of the dwelling unit or garage shall be used to conduct the home occupation.
- C. There shall be no change in the outside appearance of the building premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two (2) square feet in area, indirectly illuminated and mounted flat against the wall of the principal building except in an A residential district in which no sign is allowed.

D. No significant traffic shall be generated by such home occupation, and any need for parking generated by the conduct of such home occupation shall meet the off street parking requirements as specified in this title, and shall not be located in a required front yard.

E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable off of the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. (Ord. 1204, 2002

17.28.020: PERMITTED USES:  

Permitted uses in the B residential districts are as follows:

All uses permitted in A residential districts (see section [17.24.020](#) of this title).

Assisted living homes.

Bed and breakfasts.

Boarding houses.

Dancing schools.

Home occupations offices.

Hospitals.

Multiple-family dwellings.

Municipal facilities. (Ord. 1204, 2002: Ord. 1066 § 1, 1993: Ord. 971 § 10, 1987: prior code § 11-7-1(A))
10010

17.72.040: PARKING SPACE REQUIREMENTS:  

For the purpose of this title, the following parking space requirements shall apply. Parking requirements shall apply to the use that occupies the majority of floor space within the structure(s) on the property, with the exception of home occupations which shall meet the requirements below. An area blocked by a parking space directly behind it shall not be considered a parking space.

Type Of Use	Parking Spaces Required
Commercial:	
Automobile service garages which also repair	1 for every 2 gasoline pumps and 2 for every service bay
Funeral parlors, mortuaries and similar	1 for every 3 seats in chapel areas
Hotels, motels	1 per every sleeping room and 1 for every 2 employees
Institutional:	

Churches or other places of religious assembly	1 for every 3 seats; 2 for every 5 seats
Hospitals	1 for every bed
Libraries, museum and art galleries	1 for every 400 square feet of floor area
Medical, dental clinics, doctor's office and waiting rooms	1 for every 200 square feet of floor area
Sanitariums, homes for the aged, nursing homes, children's homes, asylums and similar	1 for every 2 beds
Manufacturing:	
All types of manufacturing storage	1 for every employee per shift (except, parcel delivery and freight for which the building terminal is designed) plus 1 for each motor vehicle used in the business
Recreational or entertainment:	
Auditoriums, sports arenas, theaters and similar uses	1 for every 4 seats
Banks, financial institutions, similar uses	1 for every 200 square feet of floor area
Bowling alleys	4 for each alley or for each 100 square feet of the area used for restaurant, cocktail lounge or similar use
Dance floors, skating rinks	1 for every 100 square feet of floor area used for the activity
Dining rooms, restaurants, taverns	1 for every 2 seats and 1 for every 200 square feet of floor area in nightclubs
Offices, public or professional administration service building	1 for every 400 square feet of floor area
Outdoor swimming pools, public	1 for every 5 persons' capacity plus 1 for each 4 seats or 1 for each 30 square feet of floor area used for seating purposes, whichever is greater
Retail stores	1 for every 250 square feet of floor area
All other types of business or commercial uses permitted in any business district	1 for every 300 square feet of floor area
Residential:	

Apartments, or multi-family dwelling	2 for every unit; 2 for 2 bedroom units; 3 for a 3-bedroom unit; 3 for a 4-bedroom unit
Boarding houses, rooming houses, dorms, bed and breakfasts	1 for every sleeping room, permanent occupant; 2 for owner/operator
Manufactured/mobile home park	2 for every unit
Single-family or two-family dwelling	2 for every unit; 2 for 2- and 3-bedroom units; 3 for a 4-bedroom unit; 3 for a 5-bedroom unit; 1 additional space for each bedroom unit beyond 5
Schools, public, parochial or private:	
Business, technical and trade schools	1 for every 2 students and 1 per instructor
Colleges, universities	1 for every 4 students
Elementary and junior high schools	2 for every classroom and 1 for every 6 seats in auditoriums or assembly halls
High schools	1 for every 5 students and 1 for every teacher and employee
Kindergartens, childcare centers, nursery schools and similar uses	2 for every classroom; 1 per 4 children

Staff Recommendation:

This request of the accessory structure for the use of the business not comply with code requirements for a home occupation. In addition, the Comprehensive Plan Map indicates the future land use of this area as medium density residential. The current zoning of the property complies with the Comprehensive plan. In order for the applicant to have the type of business requested a change would have to be made to the Comprehensive Plan, or the applicant would have to comply with standards for a home occupation in a B- residential zone.



City of Payette

Conditional Use Permit Application

OFFICE USE ONLY

Date Received _____

Fees Paid Y / N

Non-Refundable Fees:

Application..... \$100.00

Applicant

Name Karan Eby Address 1844 7th Ave N. #3
City Payette State ID Phone (208) 412-7756

Owner

Name Eby Family Trust Address PO Box K
City New Meadows State Id. Phone (208) 315-4884

Property Covered by Permit

Address 1844 7th Ave N. Zone _____

Legal Description (Lot, Block, Addition, Subdivision)

Nature of Request (Briefly explain the proposed use)

Small Retail shop - custom fabrics, jewelry, Western Decor,
Western clothing, Rustic Crafting/Home Decor Suppl
Approximate 400 square ft

Existing use of property

Nothing in past 20 years. Was Ashtons Veterinary previously

Will this have an impact on schools?

NO

Conditional Use Permit

The following information will assist the Planning and Zoning Commission to determine if your proposal will meet the requirements under the zoning ordinance.

1. What is the estimated water usage per month? Are the existing mains adequate to provide fire protection?
NO water usage / water Spillout @ Commercial Street
2. What is the estimated sewer usage per month? Will pretreatment be necessary?
N/A We will have portable front work already existing
3. What is the estimated daily traffic to be generated? Will the traffic be primarily private vehicles or commercial trucks?
only private vehicles only open 3 days 1/2 days ³⁰ cars per week?
4. If commercial, industrial, or a home occupation, what will be the hours of operation?
Thursday & Friday 12-7 Saturday 10-4
5. Will storm water drainage be retained on site? Is an existing storm drain available? Is it at capacity? If so, will new facilities be constructed?
N/A
6. If proposed use is residential, describe number and type of dwelling units. Will this be student housing: multifamily for young families, singles and couples, or elderly?
N/A
7. What provisions has been made for fire protection? Where is the nearest fire hydrant? Is any point of the building further than 150 feet from access sufficient in width for firefighting equipment?
Extinguisher on premises over 140' of open space in front of Building
8. How much parking is being provided on-site? Do the aisle widths and access points comply with ordinance requirements? Has landscaping been provided in accordance with the ordinance?
Yes more than adequate parking spaces will be marked
9. Where will solid waste generated be stored? Is access adequate for the City collection?
N/A
10. What is the type of noise that will be generated by the use? What are the hours of noise generation?
NONE
11. What type of equipment will be used in the conduct of the business?
NONE
12. What are the surrounding land uses? Has buffering been provided as required by the ordinance
adjacent homes are more than 200' away

13. Are any air quality permits required? Is dirt or other dust creating materials moved by open trucks or box cars?

NONE

14. Will the parking lot or other outdoor areas have lighting?

YES

15. Are passenger loading zones for such uses as daycare centers and schools provided? How is (school) busing routed? For commercial uses, where are the loading docks? Is there sufficient space for truck parking?

N/A

16. If a commercial, multi-family, or public assembly use, where is the nearest collector street? Arterial Street?

N/A

17. What, if any, signage is anticipated in connection with the proposed usage?

one sign posted on front of Pastore facing 7th

The Commission or Council may address other points than those discussed above. Including a narrative attached to this application addressing at least those applicable points will assist in processing your application.

A PLOT PLAN MUST BE ATTACHED IN ORDER TO PROCESS THIS APPLICATION.

- Included on the plot plan will be setbacks, parking, etc.

A LIST OF ALL NEIGHBORS WITHING 300 FEET OF THE AFFECTED PROPERTY MUST BE INCLUDED WITH THIS APPLICATION

- List may be obtained at Payette County Assessor's Office 1130 3rd Avenue North, Payette

Formal Notice will be sent to applicant after approval of a Conditional Use Permit. Notice will state the conditions of the permit. If conditions are violated or not met there will be a 90 day period to cure the problem. Failure to comply with the terms may result in revocation of the Conditional Use Permit.


Applicant's Signature

4/11/16
Date

April, 11th 2016

To: Members City of Payette counsel members,

My name is Karan Eby, I moved here little over a year ago trying to find a place to settle with my daughter. My daughter has Aspergers syndrome and because of her needs I have to work from home. We love this community the small business and and the people that run them have been wonderful to us. When we came across the Ashton place it was a perfect fit as it had the space needed and had already been a great business in this community for years.

We have horses and I have owned and operated a small business for over 20 years. I am now putting forth this application in hopes that I can continue on with business from home and in some way give back to this community.

This business will be a very small retail store consisting of custom fabrics, western home decor and clothing, custom jewelry & rustic crafting supplies. the building itself is approximately 1300 square ft and I am only using approximately 500 of it. I will probably bring my Nail clients here as well. As I have owned and operated a salon/boutique for past 20 years.

I do not feel this will have any impact on my two neighbors as one side is 300 ft. away full pasture in-between us and fenced and the other side is over 200 ft away and half a fence at this time and going to finish fence off. No delivery trucks just public vehicles and I doubt more than 15 to 20 cars per day. I will only be open 3 days a week from 12-7.

I thank you all for your consideration of this application and look forward to serving this community. I am hoping to attend counsel meeting so as any questions may be answered at that time.

Sincerely,
Karan Eby

1520046000A

EBY TRUST MICKI FAMILY

1844 7 AVEN

441

Tax ID 0030250000

Printed 04/11/2016

Card No. 1 of 3

EBY TRUST MICKI FAMILY
PO BOX K
NEW MEADOWS, ID 83654
NORTH PAYETTE TRX 3 IN BLK 46 LESS S
40' SEC 27-9-5

Neighborhood Number
10010
Neighborhood Name
P-1

AXING DISTRICT INFORMATION
Jurisdiction Name Payette
Area 001
District 001-00

Site Description
Topography
Public Utilities
Street or Road
Neighborhood
Zoning:
Legal Acres:
6.4600

Transfer of Ownership

Owner

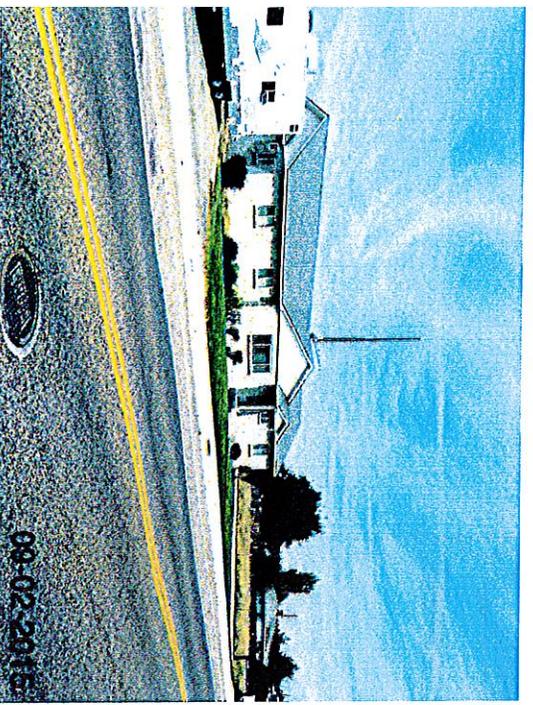
Consideration Transfer Date Deed Book/Page Deed Type

ASHTON RALPH H 0 12/04/2015 WD 399922 Fu

ASHTON TRUST WILLARD & BLANCHE 0 11/06/2015 WD 399497 Fu

Valuation Record

Assessment Year	2015								
Reason for Change	02 - Assessme								
MARKET VALUE	L 88100								
	I 138503								
	T 226603								



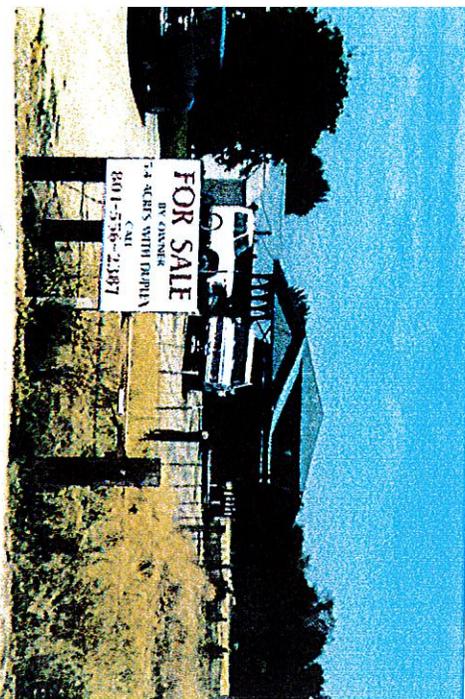
Land Type		Land Size		Influence Factor	
City Lot	City Lot	Rating, Soil ID - or - Actual Frontage	Acres - or - Effective Frontage	Square Feet - or - Effective Depth	- 50% L - 10% I - 10%
City Lot	City Lot		1.0000		0
Residential Excess Acreage	City Lot		1.0000		0
Road Right of Way	City Lot		0.5500		L - 10%

Transfer of Ownership

Assessment Year									
Reason for Change									
MARKET VALUE		L							
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Valuation Record

Assessment Year									
Reason for Change									
MARKET VALUE	L								
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09-02-2015

Land Size				
Land Type	Rating, Soil ID - or - Actual Frontage	Acreage - or - Effective Frontage	Square Feet - or - Effective Depth	Influence Factor

SUMMERS BUSINESS PARK [01781]

NORTH PAYETTE [01520]

BUSINESS PARK DR

HWY 95

3019-1

2915

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2932-1

BAKERS SUB [01020]

BAKER LANE 2916

T22

T24

2781

7/121

960

CP: 286852

27

NORTH PAYETTE [01520]
T9N R5W

6545

6/030

T8 2773

6/136

T3 3025

4/062

4/062

6314

RT20

2777-4

198

RT19

2777-3

2777-2

TB1 2777-5

TB1 2777-1

RT26 2777-2

RT26 2777-3

RT26 2777-4

RT26 2777-5

RT26 2777-6

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<



1 square equals 4 feet

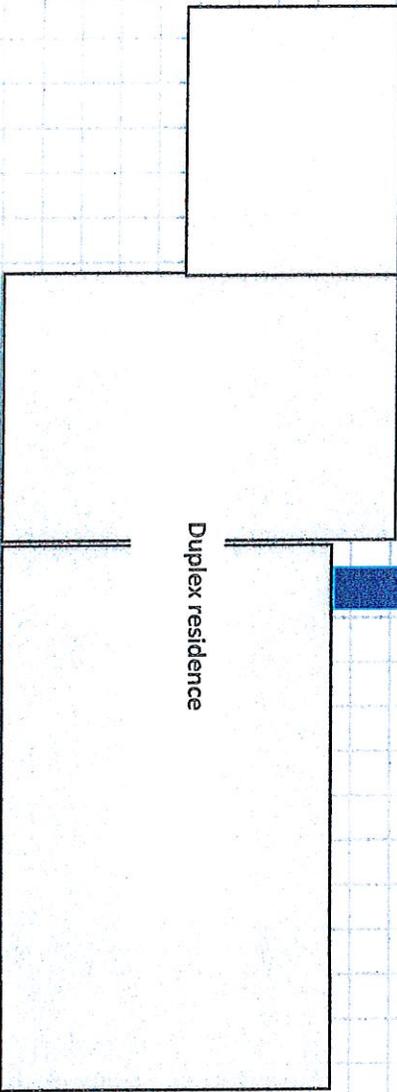
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40

Driveway/parking



walkway

Duplex residence



NOTE
residence location, driveway size is not to scale. Grid is to show gym, retail, tack/craft location and sizes only

Road - 7th Avenue North

1844 7th Avenue North

STAFF REPORT

P&Z Public Hearing Date: May 19, 2016

Applicants Name: Larry Armstrong

Describe Request: Conditional Use Permit – to have 4 trucks for his trucking company, as well as use shop for his own repairs.

Property Zoned: B- Residential

Address: 1700 No 6th Street

Property Size: 4.12 acres

Access: North 6th Street & 17th Ave North

Structures: Residential Unit

Comp Plan: B- Residential

Surrounding Uses: B- Residential

Employees: 3- Owner & Family

Hours:

Sign:

Payette City Code:

GARAGE, PRIVATE: "Private garage" is a building or part thereof accessory to a main building which provides for the storage of automobiles and in which no occupation or business for profit is carried on.

17.64.040: PARKING AND STORAGE OF CERTAIN VEHICLES:

No inoperable and/or unregistered vehicles of any kind or type shall be parked or stored on any residential property other than in a completely enclosed building or an enclosed yard that is not visible to the neighbors. (Ord. 1204, 2002)

0.20.140: TRUCK OR SEMITRAILERS; TEMPORARY PARKING:

It is unlawful for any person to park any tractor truck or semitrailer on the streets or street right of way. Temporary parking will be allowed but only during such time as the vehicle is being loaded or unloaded and in no event to exceed fifteen (15) minutes. In the event loading is going to exceed fifteen (15) minutes, the driver shall notify the city clerk or the chief of police and will park the vehicle in such a manner as to minimize the impact on the flow of traffic. In the event any law enforcement officer determines that the parked vehicle constitutes a hazard to persons or property, the officer has the authority to order the driver to remove the truck from that location and refusal to do so shall be a violation of this section. (Ord. 997 § D, 1989)

17.64.150: HOME OCCUPATIONS:

- A. No more than one person other than members of the family residing on the premises shall be engaged in such occupation. In an A residential district, no nonfamily employees are allowed.
- B. The use of the dwelling unit or garage for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty percent (20%) of the floor area of the dwelling unit or garage shall be used to conduct the home occupation.
- C. There shall be no change in the outside appearance of the building premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two (2) square feet in area, indirectly illuminated and mounted flat against the wall of the principal building except in an A residential district in which no sign is allowed.
- D. No significant traffic shall be generated by such home occupation, and any need for parking generated by the conduct of such home occupation shall meet the off street parking requirements as specified in this title, and shall not be located in a required front yard.
- E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable off of the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. (Ord. 1204, 2002)

9.32.030: PUBLIC DISTURBANCE NOISES

It is unlawful for any person to cause, or for any reason, in charge, control or possession of property, to permit or allow to originate from the property, sound that is a public disturbance noise. The following sounds are determined to be public disturbance noises:

- A. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;
- B. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off highway vehicle or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;
- C. Yelling, shouting, hooting, whistling or singing on or near the public streets, at any time and place so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;
- D. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, or condominium, which reasonably interfere with the peace, comfort, and repose of owners or possessors of real property, such as sounds from audio equipment, musical instruments, band sessions, or social gatherings;
- E. Sounds from motor vehicle sound systems, such as tape players, radios, and compact disc players, operated at a volume so as to be audible greater than fifty feet (50') from the vehicle itself;
- F. Sound from audio equipment, such as tape players, radios, or compact disc players, operated at a volume so as to be audible greater than fifty feet (50') from the source, and if not operated upon the property of the operator.

The foregoing provisions shall not apply to regularly scheduled events at parks, such as public address systems for baseball games or park concerts. (Ord. 1080 § 1, 1994)

Staff Recommendation: The Commission needs to determine if a Business/ Home occupation is being operated in this location. And determine is the applicant will be in compliance standards in a B residential zone.



City of Payette

Conditional Use Permit Application

OFFICE USE ONLY

RECEIVED

Date Received

APR 20 2016

Fees Paid

Y

/

By: N

Time:

City of Payette

Non-Refundable Fees:

Application..... \$100.00

Applicant

Name Larry S. Armstrong Address P.O. Box 531
City Payette State Idaho Phone 83661 (208) 741-0474

Owner

Name Address 1700 N 6th St.
City Payette State Idaho Phone

Property Covered by Permit

Address 1700 N 6th St. Zone

Legal Description (Lot, Block, Addition, Subdivision)

W 175' of Block 12 Riverside Plat
Block 12 Less E 72' & W 175' Riverside Plat

Nature of Request (Briefly explain the proposed use)

would like to use shop and property for a small trucking
Company Approximately 4 trucks - use shop for repairing personal
Equipment.

Existing use of property

It was used for the same reasons

Will this have an impact on schools?

No

Conditional Use Permit

The following information will assist the Planning and Zoning Commission to determine if your proposal will meet the requirements under the zoning ordinance.

1. What is the estimated water usage per month? Are the existing mains adequate to provide fire protection?

N/A

2. What is the estimated sewer usage per month? Will pretreatment be necessary?

N/A

3. What is the estimated daily traffic to be generated? Will the traffic be primarily private vehicles or commercial trucks?

Commercial & Personal on weekends

4. If commercial, industrial, or a home occupation, what will be the hours of operation?

mainly on weekends

5. Will storm water drainage be retained on site? Is an existing storm drain available? Is it at capacity? If so, will new facilities be constructed?

6. If proposed use is residential, describe number and type of dwelling units. Will this be student housing: multifamily for young families, singles and couples, or elderly?

7. What provisions has been made for fire protection? Where is the nearest fire hydrant? Is any point of the building further than 150 feet from access sufficient in width for firefighting equipment?

8. How much parking is being provided on-site? Do the aisle widths and access points comply with ordinance requirements? Has landscaping been provided in accordance with the ordinance?

9. Where will solid waste generated be stored? Is access adequate for the City collection?

10. What is the type of noise that will be generated by the use? What are the hours of noise generation?

Truck Engines, air compressors and air guns: ^{weekends} 8:00 AM to 9:00 PM

11. What type of equipment will be used in the conduct of the business?

12. What are the surrounding land uses? Has buffering been provided as required by the ordinance?

Cemetery, Regular Housing, Payette Christian Academy

13. Are any air quality permits required? Is dirt or other dust creating materials moved by open trucks or box cars?

No

14. Will the parking lot or other outdoor areas have lighting?

Some

15. Are passenger loading zones for such uses as daycare centers and schools provided? How is (school) busing routed? For commercial uses, where are the loading docks? Is there sufficient space for truck parking?

Approximately 2 1/2 acres

16. If a commercial, multi-family, or public assembly use, where is the nearest collector street? Arterial Street?

N. 6th St and 17th Ave North

17. What, if any, signage is anticipated in connection with the proposed usage?

None

The Commission or Council may address other points than those discussed above. Including a narrative attached to this application addressing at least those applicable points will assist in processing your application.

A PLOT PLAN MUST BE ATTACHED IN ORDER TO PROCESS THIS APPLICATION.

- Included on the plot plan will be setbacks, parking, etc.

A LIST OF ALL NEIGHBORS WITHING 300 FEET OF THE AFFECTED PROPERTY MUST BE INCLUDED WITH THIS APPLICATION

- List may be obtained at Payette County Assessor's Office 1130 3rd Avenue North, Payette

Formal Notice will be sent to applicant after approval of a Conditional Use Permit. Notice will state the conditions of the permit. If conditions are violated or not met there will be a 90 day period to cure the problem. Failure to comply with the terms may result in revocation of the Conditional Use Permit.

Kang S. Armstrong

Applicant's Signature

4/16/2016

Date

Transfer of Ownership

Owner	Consideration	Transfer Date	Deed Book/Page	Deed Type
HOUSE LEORA	0	09/04/2014	QC 392011	QC
HOUSE LEORA	0	11/22/2010	QC 369708	QC
HILDE JUSTIN J	0	06/04/2007	QC 345307	QC
PAYETTE ASSEMBLY OF GOD CHURCH	0	07/07/2005	DD 325979	WD

LANGE LEORA
 6453 KICKAPOO RD
 SARASOTA, FL 34241
 W 175' OF BLK 12 RIVERSIDE PLAT

Neighborhood Number
10031

Neighborhood Name
P-3 OVERSIZE LOT

TAXING DISTRICT INFORMATION

Jurisdiction Name Payette
 Area 001
 District 001-00
 Census Tract 0

Site Description
Topography

Public Utilities

Street or Road

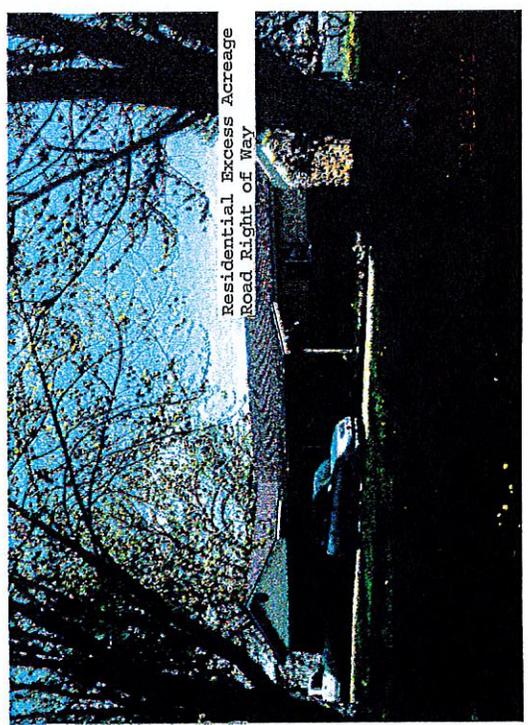
Neighborhood

Zoning:

Legal Acres:
1.2300

Valuation Record

Assessment Year	2009	2010	2011	2012	2013	2014	2015
Reason for Change	03 - Assessor 03 - Assessor 01 - Revaluat 02 - Assesme 02 - Assesme						
MARKET VALUE	L	I	T				
	23920	21570	22970	22970	22970	23370	23670
	155580	148850	139430	136740	130030	160994	184218
	179500	170420	162400	159710	153000	184364	207888



Land Size

Rating, Soil ID - or - Actual Frontage	Acreage - or - Effective Frontage	Square Feet - or - Effective Depth	Influence Factor
Land Type	0.0700	43 L -10%	L -10%
City Lot			

Physical Characteristics

Style: 44 Post 1980 > 1701 Sq Ft
 Occupancy: Single family - Tenant

Story Height: 1.0
 Finished Area: 2971
 Attic: None
 Basement: 3/4

ROOFING
 Material: Comp sh to 235#
 Type: Gable
 Framing: Std for class
 Pitch: Not available

FLOORING
 Slab B, 1.0
 Base Allowance B, 1.0

EXTERIOR COVER
 Masonry B
 Wood siding 1.0

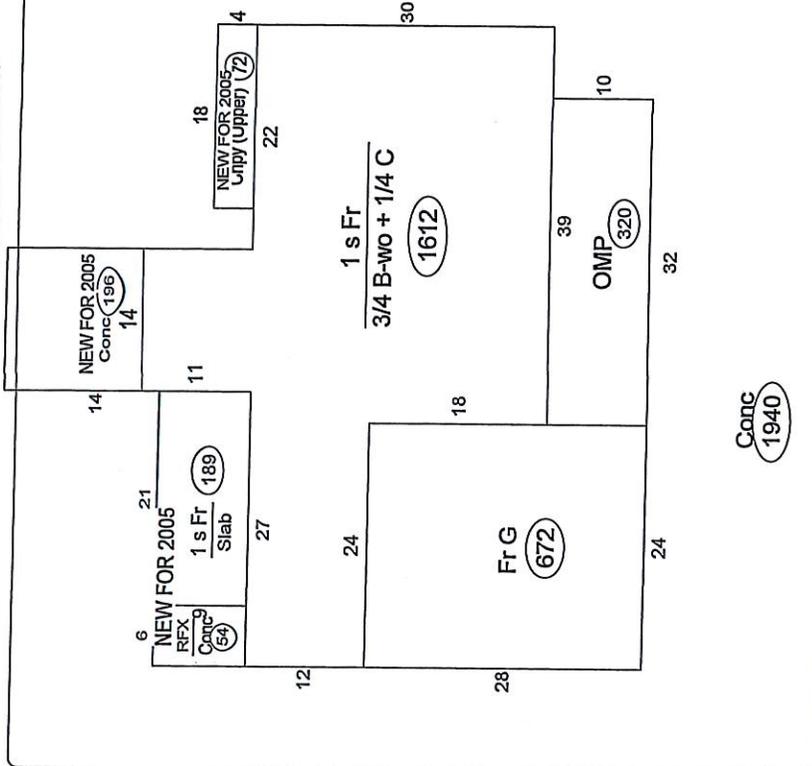
INTERIOR FINISH
 Drywall B, 1.0

ACCOMMODATION
 Finished Rooms 9
 Bedrooms 4
 Family Rooms 1
 Formal Dining Rooms 1
 HEATING AND AIR CONDITIONING
 Primary Heat: Radiant - ceiling
 Lower Full Part
 /Bsmt 1 Upper Upper
 PLUMBING
 # TF
 3 Fixt. Baths 2 6
 2 Fixt. Baths 1 2
 Kit Sink 1 1
 Water Heat 1 1
 TOTAL 10

REMODELING AND MODERNIZATION
 Amount Date

Printed 04/20/2016

Tax ID 0052030000



Special Features

Description

D : Remod 2004
 Exhaust fan and hood,
 Built-in Range

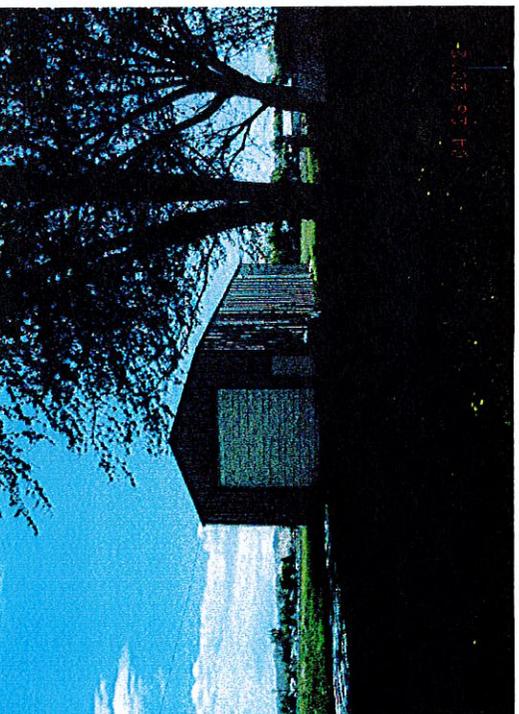
Summary of Improvements

ID	USE	Story Height	Const Type	Grade	Year Cons	Eff Year	Cond	Size or Area
D	DWELL	0.00		Fair	1978	1991	AV	2971
G01	ATTGAR	0.00	1				AV	672

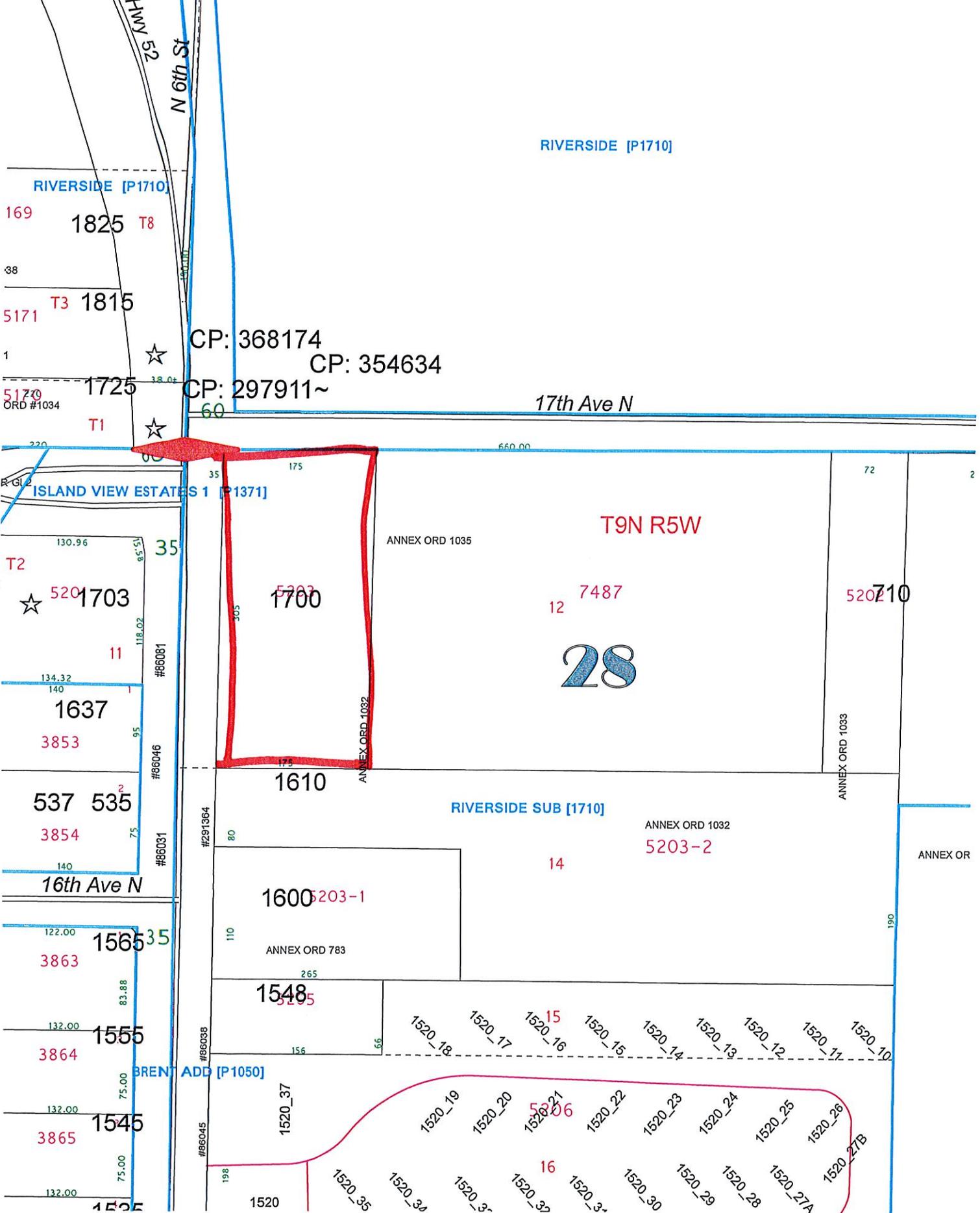
Transfer of Ownership

Valuation Record

Assessment Year									
Reason for Change									
MARKET VALUE	L	I	T						



Land Type	Land Size			Influence Factor
	Rating, Soil ID - or - Actual Frontage	Acreage - or - Effective Frontage	Square Feet - or - Effective Depth	



RIVERSIDE [P1710]

RIVERSIDE [P1710]

CP: 368174
 CP: 354634
 CP: 297911~

17th Ave N

ISLAND VIEW ESTATES 1 [P1371]

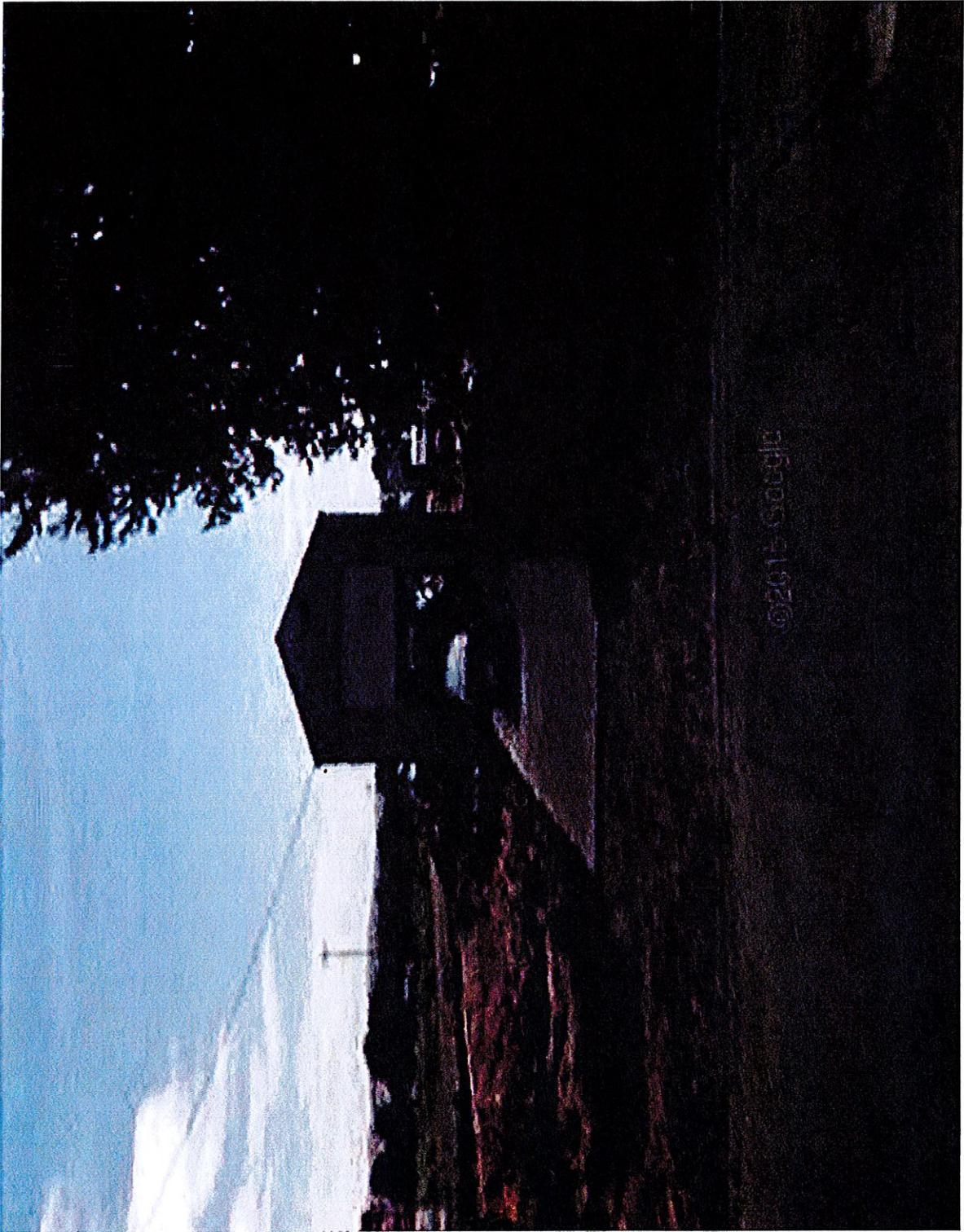
T9N R5W

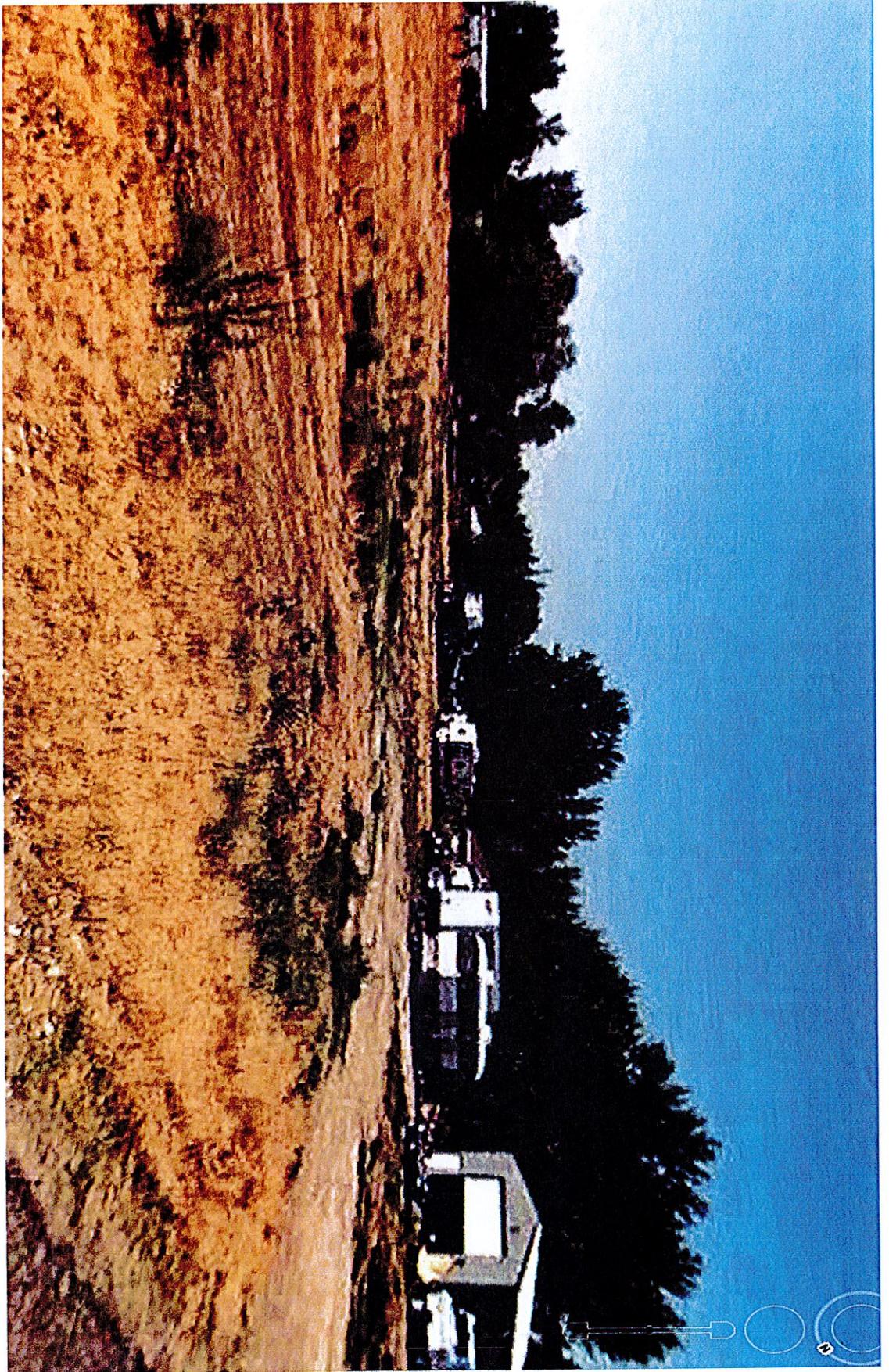
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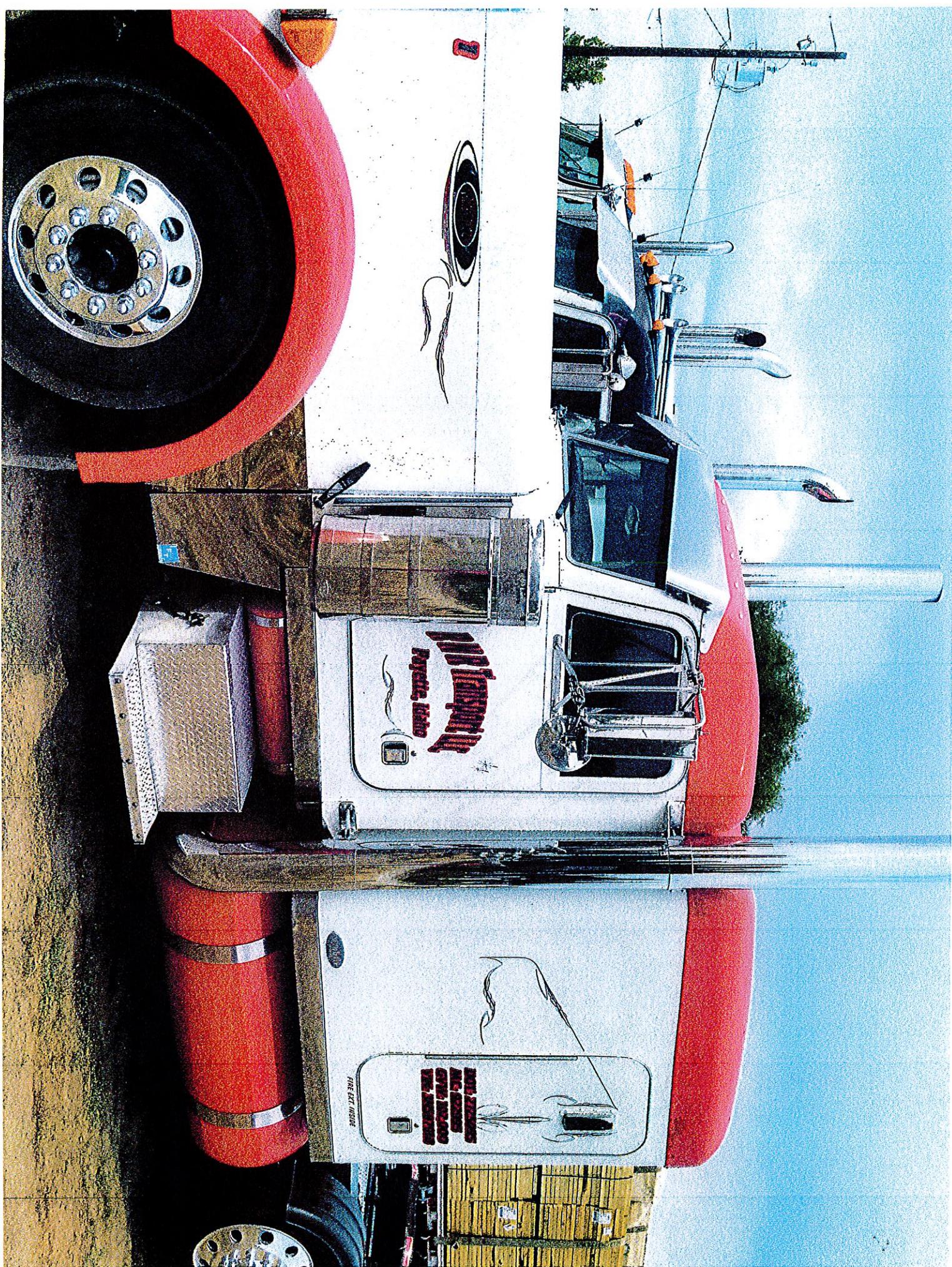
RIVERSIDE SUB [1710]

BRENT ADD [P1050]

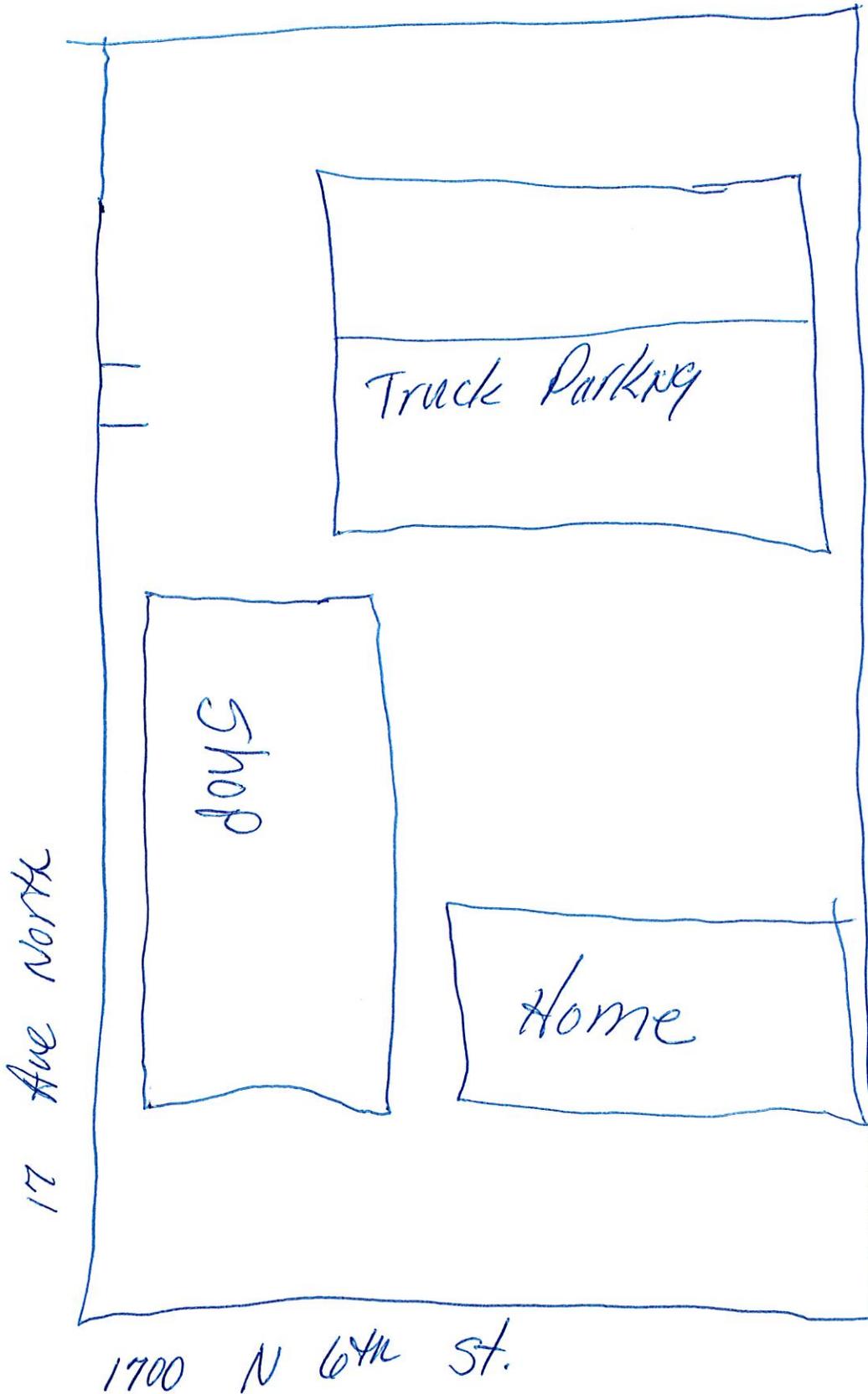








LARRY ARMSTRONG
% FIELD OF DREAMS TRANSPORT



STAFF REPORT

P&Z Public Hearing Date: May 19, 2016

Applicants Name: James & Mardelle Kropp

Describe Request: Conditional Use Permit – 20' x 21' storage shed on existing cement pad.

Property Zoned: A- Residential

Address: 2059 Decker Drive

Property Size: 11859.60 Square Footage

Access: Decker Drive

Structures: Residential Unit

Comp Plan: A- Residential

Surrounding Uses: A- Residential

Employees:

Hours:

Sign:

Payette City Code:

ACCESSORY USE OR BUILDING: A subordinate use or building customarily incidental to and located on the same lot with the main use or building, and includes a family garden.

17.24.040: AREA AND LOCATION REQUIREMENTS:

- A. There shall be a setback of at least twenty-five feet (25') from the front of the property line or fifty-five feet (55') from the street centerline, whichever setback is greater; provided, however, where a uniform setback exists which is less or greater than required in this subsection, the setback shall conform to such uniform setback.
- B. There shall be a side yard of not less than eight feet (8').
- C. On a corner lot, the minimum setback on the street upon which a majority of the building fronts shall be twenty five feet (25') from the property line or fifty five feet (55') from the street centerline, whichever setback is greater; the setback on an intersecting street shall be not less than ten feet (10') from the property line or forty feet (40') from the centerline of the intersecting street; provided, however, that in the event the majority of the buildings on both streets comply with the minimum setback for fronting streets, the minimum setback on both sides of the corner lot may be required to be the setback of the fronting street.

D. A lot shall have at least seventy five feet (75') of frontage onto a public street unless it is a corner lot, which shall have at least eighty five feet (85') of frontage onto a public street.

E. Accessory buildings, per definition of "accessory use or building" in section [17.08.010](#) of this title and regulations in section [17.64.060](#) of this title, shall be at least eight feet (8') from the property line and unless permitted pursuant to section [17.28.030](#) of this title, shall not exceed four hundred (400) square feet in area, and shall not exceed twelve feet (12') in height at its highest point.

17.28.030: CONDITIONAL USES:  

The following uses may be permitted by the planning and zoning commission after public notice has been given by United States mail to all property owners within three hundred feet (300') of the property in question and a public hearing is held. The planning and zoning commission may require appropriate safeguards and special condition as said commission deems necessary. Such uses and buildings must be appropriately located and designed to meet a community need without adversely affecting the neighborhood.

All special uses permitted and regulated in an A residential district (see section [17.24.030](#) of this title).

Accessory buildings in excess of four hundred (400) square feet in area, in excess of twelve feet (12') in height at its highest point.

Childcare facilities.

Convalescent homes, nursing homes and congregate homes.

Neighborhood grocery store or convenience store serving the needs of the residents in the immediate area. (Ord. 1271 § 2, 2006: Ord. 1204, 2002

17.64.060: ACCESSORY BUILDINGS:  

A. Shall not be located in any required front yard setback area.

B. Shall not be located closer than eight feet (8') from any side or rear property line.

C. Any accessory building, including detached garages, over two hundred (200) square feet in size shall require a building permit.

D. Must be compatible with the surrounding structures. (Ord. 1342, 2011)

Staff Recommendation: The Kropp's constructed portable carport prior to obtaining a building permit or a CUP for an accessory building. The new structure sits on an existing cement pad, and doesn't meet required separation between buildings. After reviewed by Fire Chief & Building inspector they have agreed to an exception as long as the structure is not used for storage and remains only used for motorized vehicles.



City of Payette

Conditional Use Permit Application

OFFICE USE ONLY

Date Received

Fees Paid

Y / N

RECEIVED

APR 14 2016

By: [Signature] Time:

Non-Refundable Fees:

Application..... \$100.00

Applicant

Name James L & Mardelle J. Kropp Address 2059 Decker Drive

City Payette State Id. Phone 208-880-3611

Owner

Name JAMES L. & Mardelle J. Kropp Address same as above

City PAYETTE State Id. Phone 880 3611

Property Covered by Permit

Address 2059 Decker Drive Zone R Residential

Legal Description (Lot, Block, Addition, Subdivision)

Lot 6, BIK 3 Deckers 2ND SUB

Nature of Request (Briefly explain the proposed use)

~~FRAMING~~ 20 X 21 FT STORAGE SHED
HAS EXISTING CEMENT PAD

Existing use of property

RESIDENTIAL

Will this have an impact on schools?

NA

Conditional Use Permit

The following information will assist the Planning and Zoning Commission to determine if your proposal will meet the requirements under the zoning ordinance.

1. What is the estimated water usage per month? Are the existing mains adequate to provide fire protection?

NA

2. What is the estimated sewer usage per month? Will pretreatment be necessary?

NA

3. What is the estimated daily traffic to be generated? Will the traffic be primarily private vehicles or commercial trucks?

NA

4. If commercial, industrial, or a home occupation, what will be the hours of operation?

NA

5. Will storm water drainage be retained on site? Is an existing storm drain available? Is it at capacity? If so, will new facilities be constructed?

NA

6. If proposed use is residential, describe number and type of dwelling units. Will this be student housing: multifamily for young families, singles and couples, or elderly?

NA

7. What provisions has been made for fire protection? Where is the nearest fire hydrant? Is any point of the building further than 150 feet from access sufficient in width for firefighting equipment?

NA

8. How much parking is being provided on-site? Do the aisle widths and access points comply with ordinance requirements? Has landscaping been provided in accordance with the ordinance?

NA

9. Where will solid waste generated be stored? Is access adequate for the City collection?

NA

10. What is the type of noise that will be generated by the use? What are the hours of noise generation?

NA

11. What type of equipment will be used in the conduct of the business?

NA

12. What are the surrounding land uses? Has buffering been provided as required by the ordinance

RES: residential

13. Are any air quality permits required? Is dirt or other dust creating materials moved by open trucks or box cars?

NA

14. Will the parking lot or other outdoor areas have lighting?

NA

15. Are passenger loading zones for such uses as daycare centers and schools provided? How is (school) busing routed? For commercial uses, where are the loading docks? Is there sufficient space for truck parking?

NA

16. If a commercial, multi-family, or public assembly use, where is the nearest collector street? Arterial Street?

NA

17. What, if any, signage is anticipated in connection with the proposed usage?

NA

The Commission or Council may address other points than those discussed above. Including a narrative attached to this application addressing at least those applicable points will assist in processing your application.

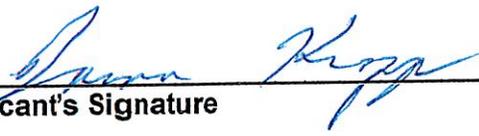
A PLOT PLAN MUST BE ATTACHED IN ORDER TO PROCESS THIS APPLICATION.

- Included on the plot plan will be setbacks, parking, etc.

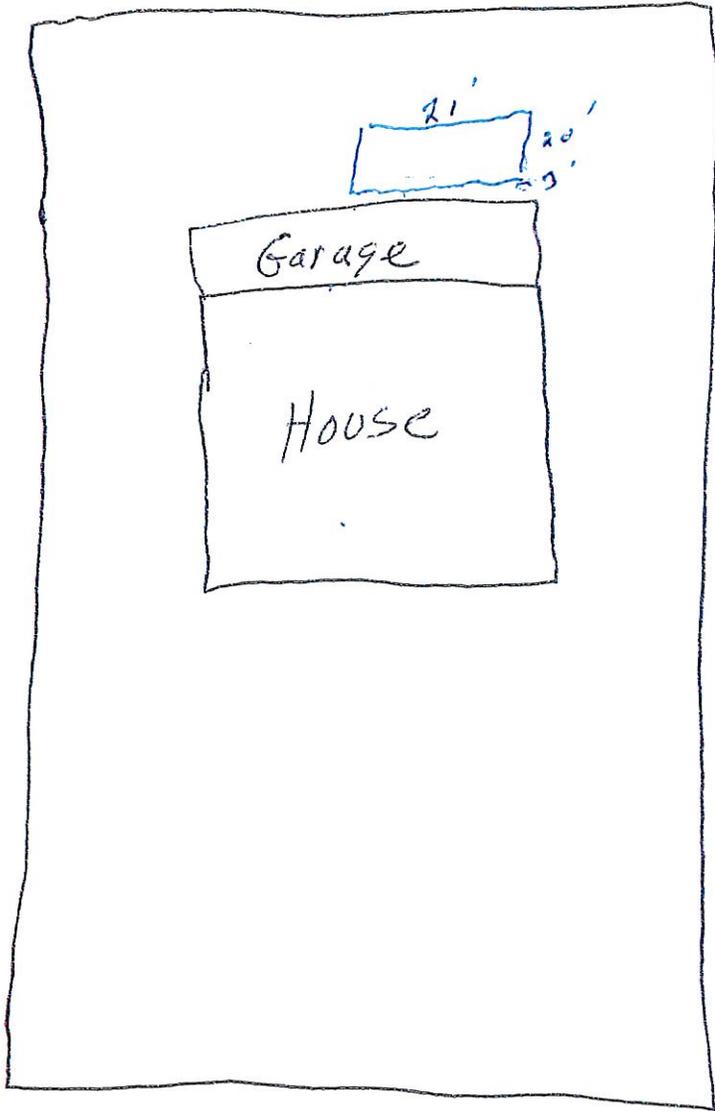
A LIST OF ALL NEIGHBORS WITHING 300 FEET OF THE AFFECTED PROPERTY MUST BE INCLUDED WITH THIS APPLICATION

- List may be obtained at Payette County Assessor's Office 1130 3rd Avenue North, Payette

Formal Notice will be sent to applicant after approval of a Conditional Use Permit. Notice will state the conditions of the permit. If conditions are violated or not met there will be a 90 day period to cure the problem. Failure to comply with the terms may result in revocation of the Conditional Use Permit.


Applicant's Signature

April 14, 2016
Date



Decker Dr.

11900030060

KROPP JAMES L

2059 DECKER DR

541

KROPP JAMES L
KROPP MARDELLE J
2059 DECKER DR
PAYETTE, ID 83661

Tax ID 0040720010

Printed 04/12/2016

Card No. 1 of 1

LOT 6, BLK 3 DECKERS 2ND SUB

Neighborhood Number
10010

Neighborhood Name
P-1

TAXING DISTRICT INFORMATION
Jurisdiction Name
Payette

Area
001

District
001-00

Census Tract
0

Site Description
Topography

Public Utilities

Street or Road

Neighborhood

Zoning:

Legal Acres:
0.0000

Transfer of Ownership

Owner	Consideration	Transfer Date	Deed Book/Page	Deed Type
UNF INVESTMENTS LLC	0	11/26/2015	WD 399800	Fu
LINDLEY TRUST BRUCE & DORIS	0	05/04/2015	WD 395768	Fu
LINDLEY BRUCE K & DORIS I	0	03/22/2012	BS 376742	Ba
RYNEARSON, STEVEN C & ARLINA M	104000	07/17/2000	288783	

Valuation Record

Assessment Year	2009	2010	2011	2012	2013	2014	2015
Reason for Change	03 - Assessor	03 - Assessor	01 - Revaluat	03 - Assessor	02 - Assesseme	02 - Assesseme	02 - Assesseme
MARKET VALUE	21000	18900	18900	18900	18900	18900	18900
L	107470	102990	95180	86200	83560	103344	103344
I	128470	121890	114080	105100	102460	122244	122244
T							



Feb 17, 2016

Land Type		Rating, Soil ID - or - Actual Frontage		Land Size		Square Feet - or - Effective Depth		Influence Factor
City	Lot	60.2		0.2723		0		L - 10%

Physical Characteristics

Style: 43 Post 1980 1401 - 1700 Sq Ft ACCOMMODATION
 Occupancy: Single Family - Owner

Story Height: 1.0
 Finished Area: 1589
 Attic: None
 Basement: None

ROOFING
 Material: Comp sh to 235#
 Type: Gable
 Framing: Std for class
 Pitch: Not available

FLOORING
 Sub and joists 1.0
 Base Allowance 1.0

EXTERIOR COVER
 Hardboard 1.0
 INTERIOR FINISH
 Drywall 1.0

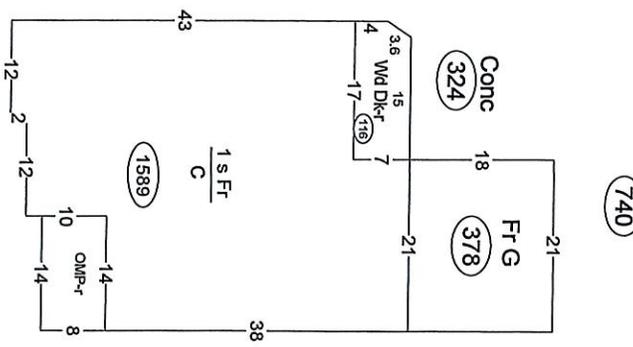
Finished Rooms 6
 Bedrooms 3
 Family Rooms 1

HEATING AND AIR CONDITIONING
 Primary Heat: Forced hot air-gas
 Lower Full Part
 /Bsm 1 Upper Upper
 Air Cond 0 1589 0 0

PLUMBING
 # TP 6
 3 Fixt. Baths 2 6
 Kit Sink 1 1
 Water Heat 1 1
 TOTAL 8

REMODELING AND MODERNIZATION
 Amount Date

NEW FOR 2016



Tax ID 00407200110

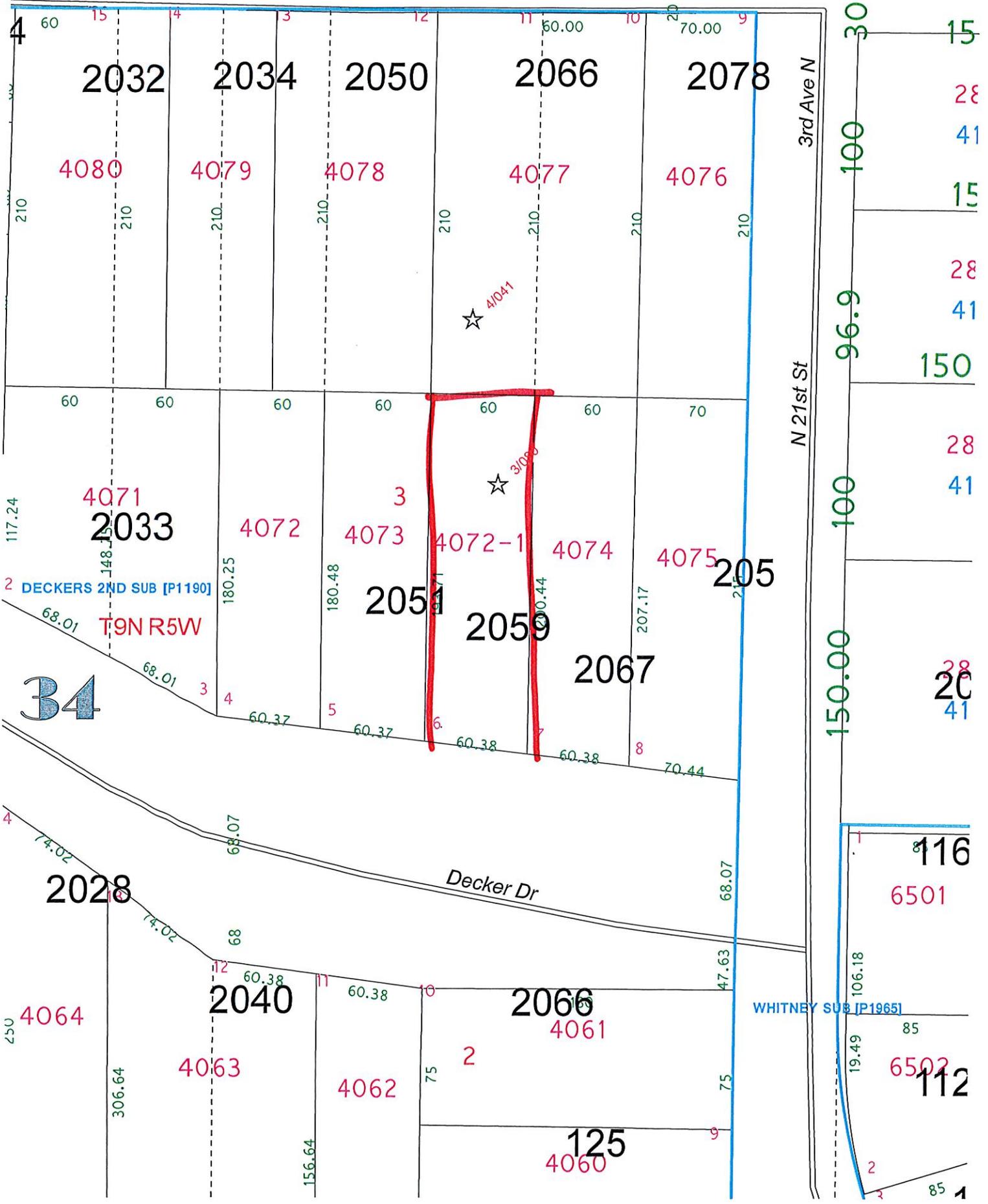
Printed 04/12/2016

Special Features

D : Built-in dishwasher,
 Garbage disposer,
 Exhaust fan and hood
 G01: Interior finish

Summary of Improvements

ID	USE	Story Height	Const Type	Grade	Year Cons	Eff Year	Cond	Size or Area
D	DWELL	0.00	1	Fair	1995	1995	AV	1589
G01	ATTGAR	0.00	1	AVG	2010	2010	AV	378
	SHED	4.00	1	AVG			AV	48



SURVEY FOR

DOROTHY HURD

WITHIN

LOT 6 OF THE DECKER'S 2ND SUBDIVISION
WITHIN THE SE1/4NE1/4 OF SECTION 34, T.9N., R.5W., B.M.

CERTIFICATE OF ENGINEER/SURVEYOR

I, S. ROLAND MULLINIX, A REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED ON THIS PLAN WAS PERFORMED BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE LAWS OF THE STATE OF IDAHO IN MARCH OF 1983.



CERTIFICATE OF COUNTY RECORDER

INSTRUMENT NO. **244104**

STATE OF IDAHO
COUNTY OF PAYETTE

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED AT THE REQUEST OF S. Roland Mullinix AT 11 MINUTES PAST 9 O'CLOCK A. M., THIS 11 DAY OF June, 1983, IN MY OFFICE AND WAS DULY RECORDED IN BOOK 3 OF SURVEYS PAGE 80.

Laura L. Stigile
DEPUTY

Laura L. Stigile
EX-OFFICIO RECORDER

Fee: \$5.00

INDEX NO. 954-34-1-2-0-2-37

MULLINIX ENGINEERING, INC.
WEISER, IDAHO
MARCH 24, 1983

210.00' (210.00')

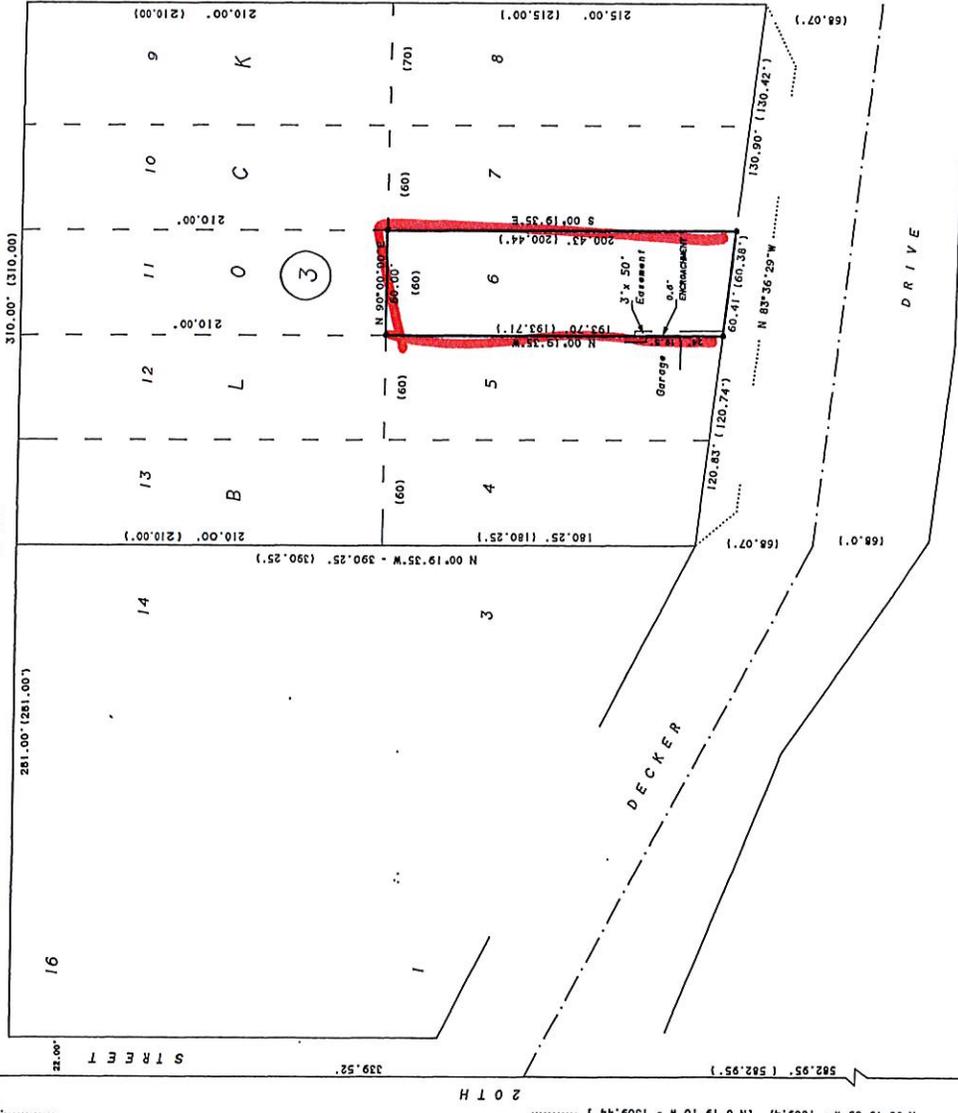
NORTH

3RD AVE.

3RD

NE1/16 Cor.

21.00'



LEGEND

- FOUND BRASS CAP MONUMENT
- FOUND 3/8 INCH NEDAR
- SET 1/2 INCH REBAR W/CAP MARKED - MULLINIX 2478
- () PREVIOUSLY RECORDED - PLAT OF DECKER'S 2ND SUBDIVISION
- () PREVIOUSLY RECORDED - GASCHLER & ASSOCIATES
- CENTERLINE OF STREET

1/4 Cor. Rebar In Concrete In Box S 35

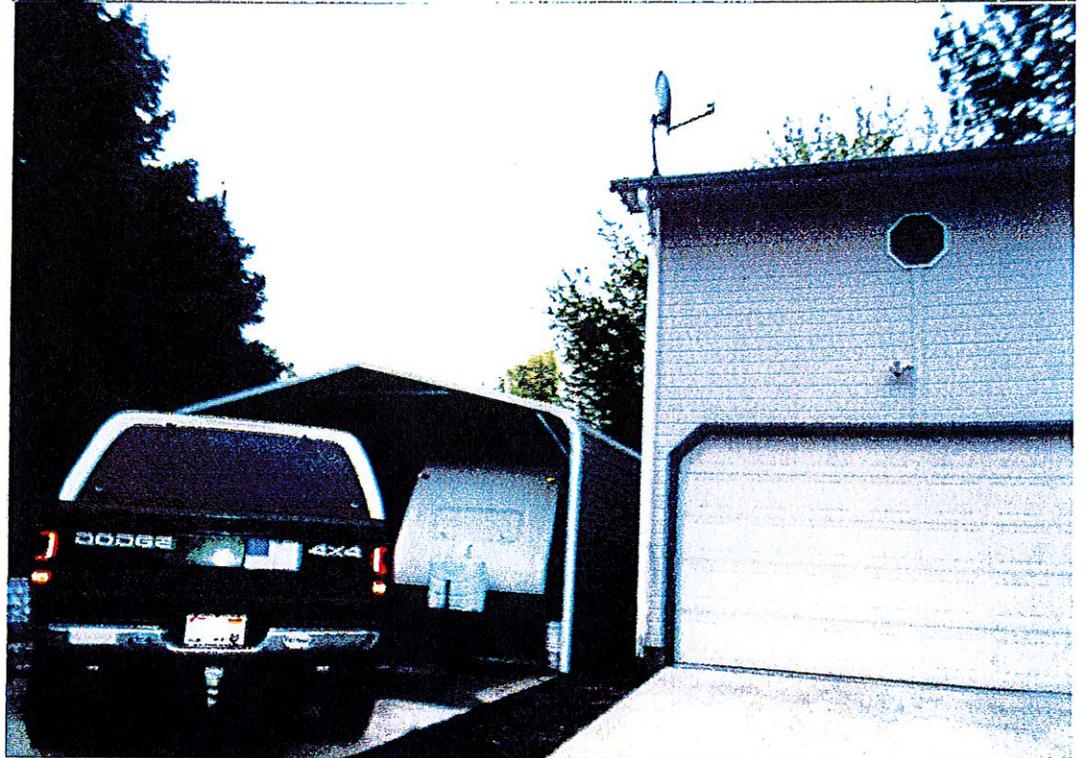
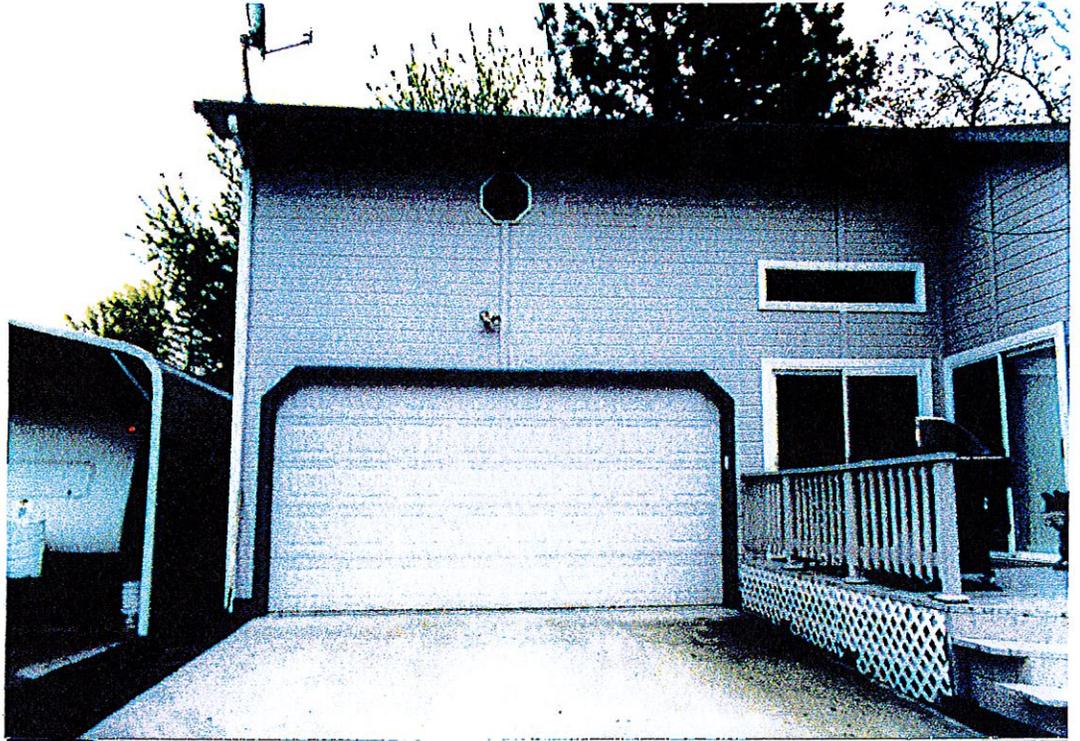
S 34

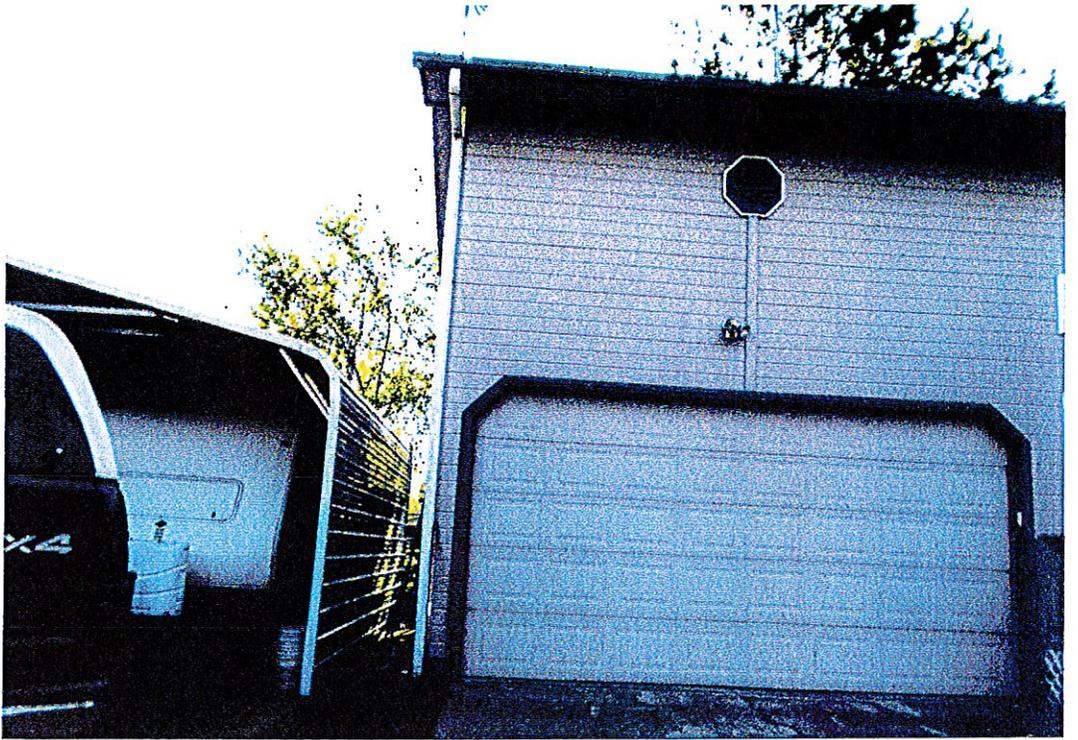
S 90°00'00"W 1325.89' - BASIS OF BEARING - (WEST - 1325.60')

SW Cor. SE1/4NE1/4

387.00' (387.0')

3/080





Coast To Coast Carports, Inc.

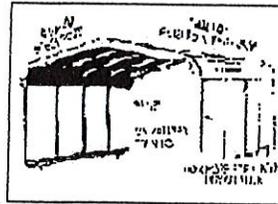
Invoice Number: 108484- 0

Location Address: P. O. Box 100

Knoxville, Arkansas 72845

Business (208) 436-3157 Fax (208)-436-3581

Toll Free 1-866-597-5758



Original

6

Dealer: Payette Tire

Dealer Phone: 208-642-4426

Date:

12/4/2015

Customer Name: Jim Kropp

County: Payette

Address: 2059 Decker Place

Payette

ID

83661

Ph 208-880-3611 Ext. (Day)

(Evening)

(Other)

Description:	20x21x8	12 G	1,595.00	ALL ORDERS C.O.D. Price: \$2,955.00 Tax: \$177.00 Total: \$3,132.00 D.P.: \$348.00 PRBI: 0.00 Discount: \$0.00 Amount Paid: 0.00 Bal Due: \$2,784.00 Payment Form: <input type="checkbox"/> Personal Check
Options:	8' Legs	Certified	120.00	
	2) Sides Closed: Pewter Gray		440.00	
	1) End Closed: Pewter Gray		795.00	
	60# Snowload/ 90 MPH Winds		0.00	
	Declined Vertical Roof and Sides		0.00	
	Concrete Pad: 20x40/ Admin Fee		5.00	
Color Top:	Pewter Gray			
Color Trim:	Slate Blue			

TOTAL AMOUNT DUE AT INSTALLATION:

\$2,784.00

DIRECTIONS

Take hwy 95 N 14.8 mi. T/R on Center Ave 0.3 mi. T/L on 20th St 0.2 mi. T/R on Decker Dr. House is on the left.

Land Level Yes Access to Electricity Yes Concrete Yes Ground No
Other:

**Land Must Be Level Or Carport Will Be Installed "As-Is"*

PLEASE INFORM CONTRACTORS OF ANY UNDERGROUND CABLES, GAS LINES, OR ANY OTHER UTILITY LINES, WE WILL NOT BE RESPONSIBLE FOR ANY DAMAGE.

CUSTOMER SIGNATURE _____ Satisfactory Non-Satisfactory
 INSTALLER SIGNATURE _____ Credit Card Money Order
 Date _____ Cashier's Check Other

\$25.00 Service Charge For All Returned Checks

Coast To Coast Carports Are Not Responsible For Any Repairs Due to Inclement Weather

STAFF REPORT

P&Z Public Hearing Date: March 24,2016

Applicants Name: Gene Lancaster

Describe Request: Conditional Use Permit – to allow pasturing of no more than 54 horses.

Property Zoned: A- Residential

Address: Lancaster Development between Center Ave & Payette Heights RD

Property Size:

Access: Payette Heights RD & Center

Structures: Residential

Comp Plan: A- Residential

Surrounding Uses: A- Residential

Employees:

Hours:

Sign:

Payette City Code:

In a B-Residential zone-

1. One horse, or three (3) sheep or one cow with calf may be maintained on the lot, provided there is at least twenty one thousand eight hundred (21,800) square feet of fenced irrigated pasture area for the animals and the landowner obtains a permit from the planning and zoning commission and only so long as the animals do not cause offensive odors or create a disturbance to the people of the neighborhood. After notice and hearing, pursuant to section 17.28.030 of this chapter, the planning and zoning commission may further limit or expand the number of animals which may be kept. Swine and goats are prohibited. (Ord. 1204, 2002: Ord. 1128 § 2, 1996: Ord. 1066 § 1, 1993: Ord. 971 § 11, 1987: prior code § 11-7-1(C))
2. Fences shall not be constructed of discarded plastic materials, fiberglass panels, wood paneling, metal paneling, barbed wire, woven wire, hog wire, chicken wire, mesh wire, electric fencing wire, rayon wire, concertina wire, or any single wire or woven wire or any hazardous or dangerous material.
3. Unless otherwise provided, fences located within the property boundaries in commercial or industrial districts shall not exceed six feet (6') in height. In the case of security fences, when a barbed wire top section is utilized, the six foot (6') maximum height limitation may be exceeded by up to thirty inches (30") only by the barbed wire security top section. In no instance shall barbed wire be used below the height of six feet (6'). Fences adjacent to residential areas must be sight/site obscuring and shall not be allowed the use of a barbed wire security top section. Property which is zoned as commercial or industrial, but which is being used for residential purposes, shall adhere to the fencing restrictions as outlined in subsection A5 of this section. All fences erected on a boundary or property line shall comply with vision clearance requirements located at intersections, driveways and public roadways. Nothing herein shall permit an obstruction of vision at an intersection as is prohibited in subsections A7 and A8 of this section.

4. Any individual whose property is affected by this section may, upon written application, apply to the planning and zoning commission of the city for conditional use to allow a variation in the height of any fence. The planning and zoning commission of the city may upon investigation grant to the applicant the requested conditional use. Any affected party may appeal to the city council. The granting of such permit shall continue with each successive owner provided the original conditions are maintained as presented.
5. The terms of this chapter may be varied by a conditional use permit after public hearing by the planning and zoning commission. (Ord. 1336, 2011; Ord. 1244 § 2, 2005; Ord. 1044, § 1, 1992)

Staff Comments: In 2009 applicant asked to a Conditional Use permit to run 54 horses on 64 acres of undeveloped land. A CUP was granted with the stipulation that the horses are only pastured between April 1- July 31. The permit expired May 29, 2011.

Applicant was not aware permit expired and continues to pasture horses on the property. Applicant has requested to pasture 54 horses. The Applicant has added another parcel to the original request and is now using 76 acres. The property is consistent with the Comprehensive Plan Map with designation of low density residential. A- Residential does not allow animals.



City of Payette

**Conditional Use
Permit Application**

RECEIVED
OFFICE USE ONLY

Date Received _____ **APR 25 2016**

Fees Paid Y N

CITY OF PAYETTE

Non-Refundable Fees:

Application..... \$100.00

Applicant

Name Gene Lancaster Address 11428 Scotch Pines Rd
 City Payette State ID 83661 Phone (208) 647-2849
cell 739-843

Owner

Payette Valley Holdings, LLC and
 Name Lancaster Development, LLC Address 11428 Scotch Pines Rd
 City Payette State ID 83661 Phone (208) 647-2849

Property Covered by Permit

Address _____ Zone _____

Legal Description (Lot, Block, Addition, Subdivision)

See attached Assessor's Plat map (multiple plots)

Nature of Request (Briefly explain the proposed use)

To allow pasturing of horses on vacant Rural land.
Renewing expired Conditional Use Permit.

Existing use of property

Same - renewing expired use permit.

Will this have an impact on schools?

NO

Conditional Use Permit

The following information will assist the Planning and Zoning Commission to determine if your proposal will meet the requirements under the zoning ordinance.

1. What is the estimated water usage per month? Are the existing mains adequate to provide fire protection?

NONE

2. What is the estimated sewer usage per month? Will pretreatment be necessary?

NONE

3. What is the estimated daily traffic to be generated? Will the traffic be primarily private vehicles or commercial trucks?

NONE

4. If commercial, industrial, or a home occupation, what will be the hours of operation?

NONE

5. Will storm water drainage be retained on site? Is an existing storm drain available? Is it at capacity? If so, will new facilities be constructed?

YES, retained on site. No existing city drainage.

6. If proposed use is residential, describe number and type of dwelling units. Will this be student housing: multifamily for young families, singles and couples, or elderly?

No residential use

7. What provisions has been made for fire protection? Where is the nearest fire hydrant? Is any point of the building further than 150 feet from access sufficient in width for firefighting equipment?

No fire hydrants. Truck control of fires.

8. How much parking is being provided on-site? Do the aisle widths and access points comply with ordinance requirements? Has landscaping been provided in accordance with the ordinance?

NA

9. Where will solid waste generated be stored? Is access adequate for the City collection?

NA

10. What is the type of noise that will be generated by the use? What are the hours of noise generation?

NA

11. What type of equipment will be used in the conduct of the business?

NA

12. What are the surrounding land uses? Has buffering been provided as required by the ordinance

Mostly Vacant. Some bordering residences. No noise created.

13. Are any air quality permits required? Is dirt or other dust creating materials moved by open trucks or box cars?

NA

14. Will the parking lot or other outdoor areas have lighting?

NA

15. Are passenger loading zones for such uses as daycare centers and schools provided? How is (school) busing routed? For commercial uses, where are the loading docks? Is there sufficient space for truck parking?

NA

16. If a commercial, multi-family, or public assembly use, where is the nearest collector street? Arterial Street?

NA

17. What, if any, signage is anticipated in connection with the proposed usage?

None

The Commission or Council may address other points than those discussed above. Including a narrative attached to this application addressing at least those applicable points will assist in processing your application.

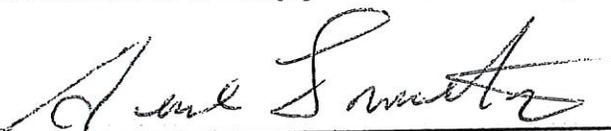
A PLOT PLAN MUST BE ATTACHED IN ORDER TO PROCESS THIS APPLICATION.

- Included on the plot plan will be setbacks, parking, etc.

A LIST OF ALL NEIGHBORS WITHING 300 FEET OF THE AFFECTED PROPERTY MUST BE INCLUDED WITH THIS APPLICATION

- List may be obtained at Payette County Assessor's Office 1130 3rd Avenue North, Payette

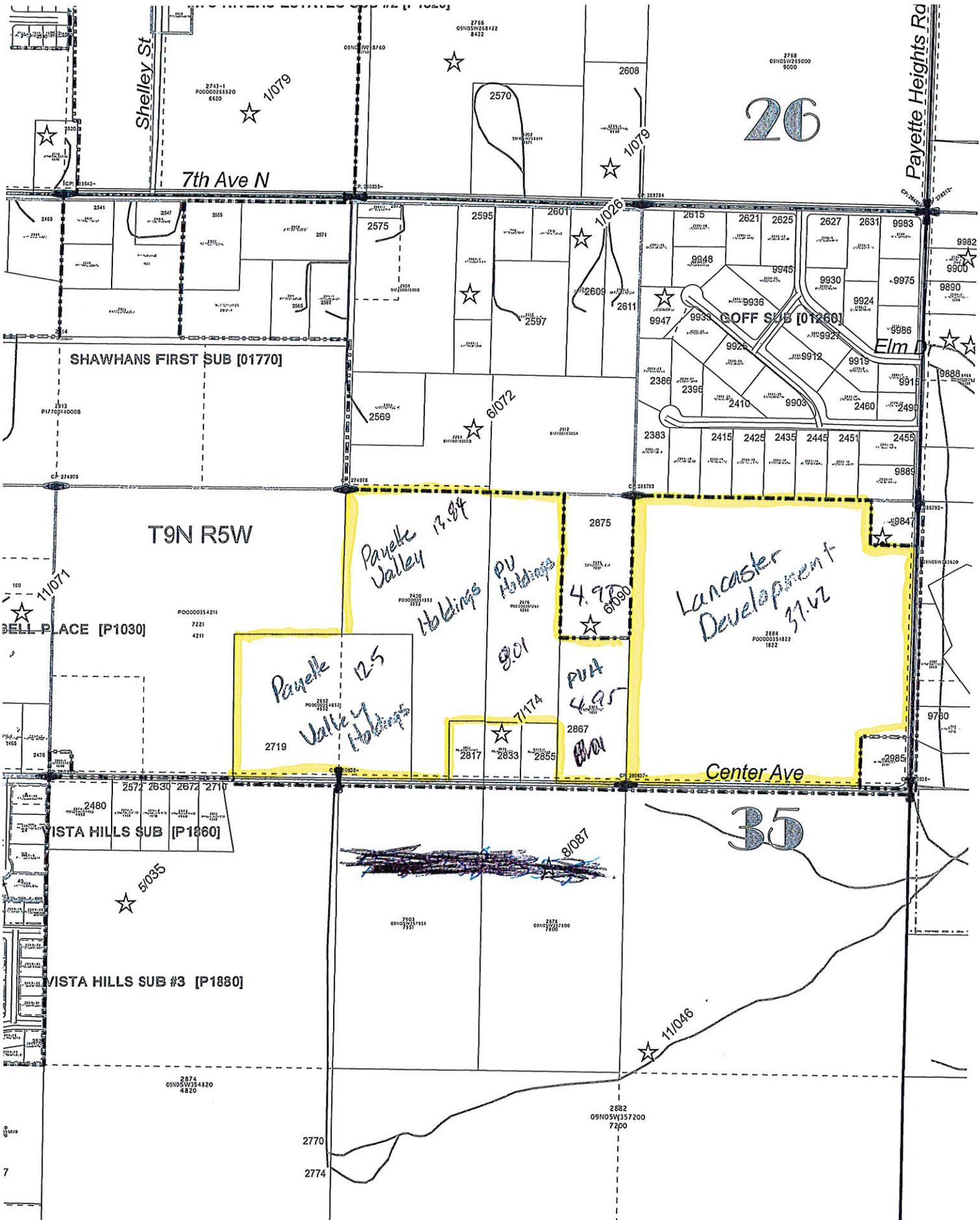
Formal Notice will be sent to applicant after approval of a Conditional Use Permit. Notice will state the conditions of the permit. If conditions are violated or not met there will be a 90 day period to cure the problem. Failure to comply with the terms may result in revocation of the Conditional Use Permit.



Applicant's Signature

April 22, 2016

Date



7

May 29, 2009

Lancaster Development
11428 Scotch Pines Road
Payette, ID 83661

RE: Conditional Use Permit (CUP)
Lancaster Development
Center Ave. & Payette Heights Road
Payette, Idaho 83661

In accordance with the decision of the Payette Planning & Zoning Commission actions of May 28, 2009, a Conditional Use Permit is hereby GRANTED to allow no more than 54 head of horses on the property with the stipulations that they are only pastured between April 1st thru July 31st, the permit expires 2 years from date of issuance of permit and the permit can be revisited upon any complaints.

If you should have any questions, please do not hesitate to give us a call at the number above.

Best regards,
CITY OF PAYETTE

Bobbie Black
Deputy City Clerk



341837

IDWD
Order No. 0022359

WARRANTY DEED

For Value Received,

STARKS FAMILY CORPORATION

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

LANCASTER DEVELOPMENT LLC

GRANTEE(s), whose address is: 11428 Scotch Pines Road, Payette, ID 83661

the following described real property, to-wit:

**Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho,
Section 35: SE1/4NE1/4;**

EXCEPTING THEREFROM the North 208.00 feet of the East 234.00 feet;

ALSO EXCEPTING THEREFROM the following:

**Beginning at the SE corner of said SE1/4NE1/4;
Thence running North 234 feet along the East line of said SE1/4NE1/4;
Thence West parallel to the South line of said SE1/4NE1/4 a distance of 234 feet;
Thence South 234 feet, more or less, to a point on the South line of said SE1/4NE1/4;
Thence East along the South line of said SE1/4NE1/4 a distance of 234 feet to the True Point
of Beginning.**

TO HAVE AND TO HOLD the premises with its appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the current year's taxes and assessments, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 30th day of January, 2007.

STARKS FAMILY CORPORATION

BY: Colleen Starks Booth Pres.
COLLEEN STARKS-BOOTH, PRESIDENT

State of Idaho)
County of Payette ss

On this 30th day of JANUARY, 2007, before me MELISSA C. ROHM a notary public in and for said State, personally appeared COLLEEN STARKS-BOOTH, PRESIDENT OF STARKS FAMILY CORPORATION known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Melissa C. Rohm
Notary Public
Residing at: PAYETTE, IDAHO
Commission Expires: 09/03/11



Instrument # 341837
PAYETTE COUNTY
2007-01-31 09:40:00 No. of Pages: 1
Recorded for: AMERITITLE
BETTY J DRESSEN Fee: 3.00
Ex-Officio Recorder Deputy Kathryn Offenberg
Index to: WARRANTY DEED Deeds

To the Mayor and City Council of Payette

May 12, 2016

From: Nancy Sobers
2855 Center Av.
Payette, Idaho 83661
208 722-6916

Subject: Over growth of Mustard and tumble weeds on Gene Lancasters property on Center Av.

I wish to address the issue about the over growth of weeds that can not be eliminated by the feeding of horses alone.

Allowing horses on the property to feed is not a real problem, the problem is that they will not eat the wild mustard weed that is growing beyond control on his property. The horse's have over grazed the land leaving little regrowth of edible vegetation and allowing the wild mustard and tumbleweeds to take over and to smother out other food sources. This has created a extreme fire hazard.

We and our neighbors, Randy Breicbels and Dave Mitchell live on Center Av., surrounded by the over growth of these weeds. When we were annexed into the City we agreed to allow the horses to help control the growth of vegetation and at that time is was mostly tall grass and wild wheat. But after a few years this has had the opposite effect and a big problem has arisen. The wild mustard weed has taken over and will continue to spread if containment action is not taken. This is a potential time bomb.

We have made numerous complaints about the lack of weed control with no results. I have spoken to your Ordinance Officer about the weed problem and she said that the City Council has said that the horses are taking care of the problem. Payette City has a weed ordinance that says no weeds over eight inches tall. These weeds are three to four feet tall. They need to be cut down before they dry up and become a worst problem.

According to the State Agricultural Department, Mustard is not edible to live stock. Information can be found on the web sites. It can cause intestinal problems and some times death to some animals.

Last year we almost lost our homes to fire because of the weed overgroth. My neighbor lost vehicles, fence and a stowage shed to the fire. My other neighbor had fence damage and we lost trees and had smoke damage. Our house had burnt embers on the roof. This year the weeds are taller and thicker. Please note photos from fire.

We have been building fire breaks around our property, why should ^{we} have to protect our self when it is some one else's responsibility to maintain their property to prevent damage to others.

When these weeds dry up they break off at the stem and are blown by the wind and the wind blows hard, up to 65 mph last year. These weeds cover and drown our properties, covering our yards, under our cars and blocking our door ways. They have piled up as high as six feet. All it takes is a spark and these weeds explode like gas. We had to clean these weeds away from our house six times, each time taking a full day to remove and discard the weeds. We could be trapped in our homes. Does this sound extreme? It could happen. Please note photos of last years weed growth and this years growth.

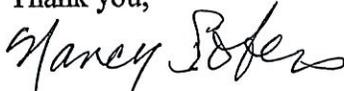
The City annexed this area and requires us to follow its codes and pay its taxes. So then shouldn't the City follow and enforce the codes that it adopted?

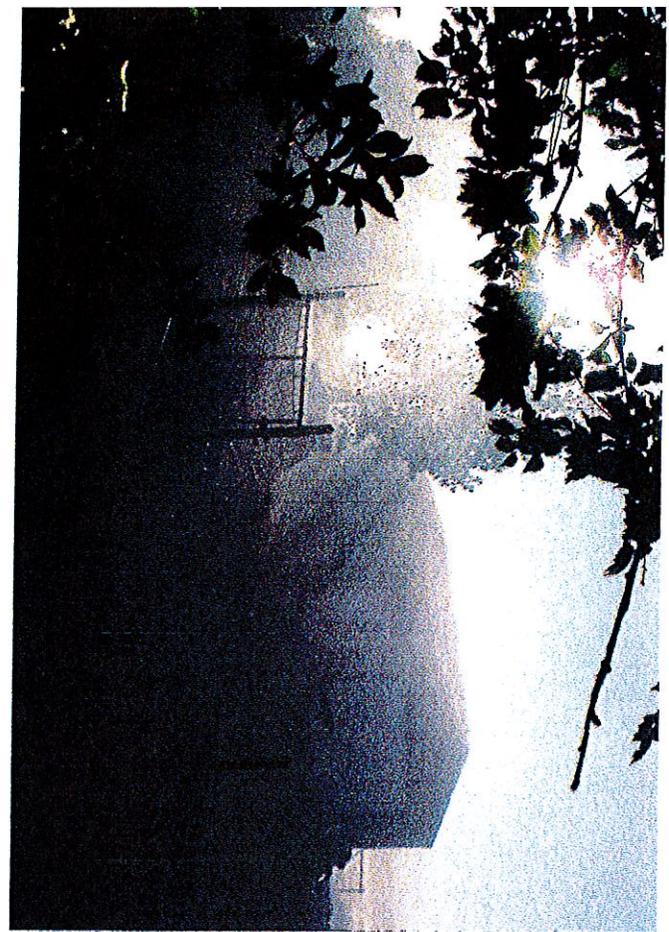
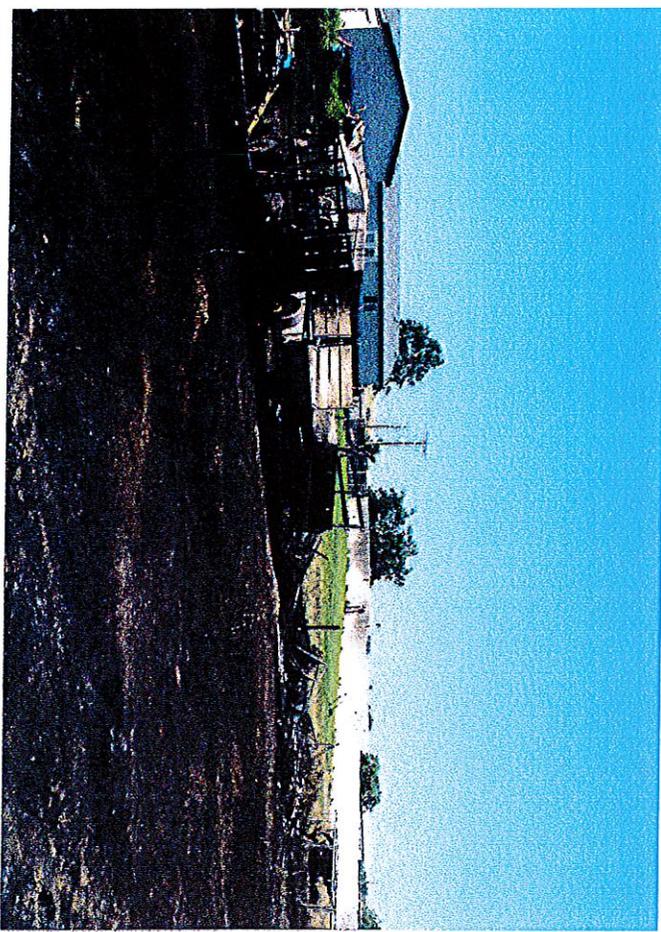
We were told to build a six foot fence to stop or slow down the weeds from coming onto our property. But now we have found out that we have to have a Conditional Use Permit for any front fence over thirty-six inches tall. This permit will cost me one hundred dollars, and if we build this fence it will cost three thousand plus dollars. We would not have to fence our property if owners would take care of there weed problem.

Mr. Lancaster wants a Conditional Use Permit to allow horses on his property. Not a problem, let him have it, "BUT" Please make him take care of the weed problem, the horses can not do it all. Time is running out, the weeds will soon be drying out. The first year he mowed a great deal, then he only mowed a ten foot path around the perimeter. The third year he did nothing and when the weeds got dry, he said it was to dangerous to mow. Then he said it cost to much to mow. The horses were supposed to solve the weed problem but at this date, there are no horses in the fields behind our properties. Please note the some of the weed infested area in the photo's.

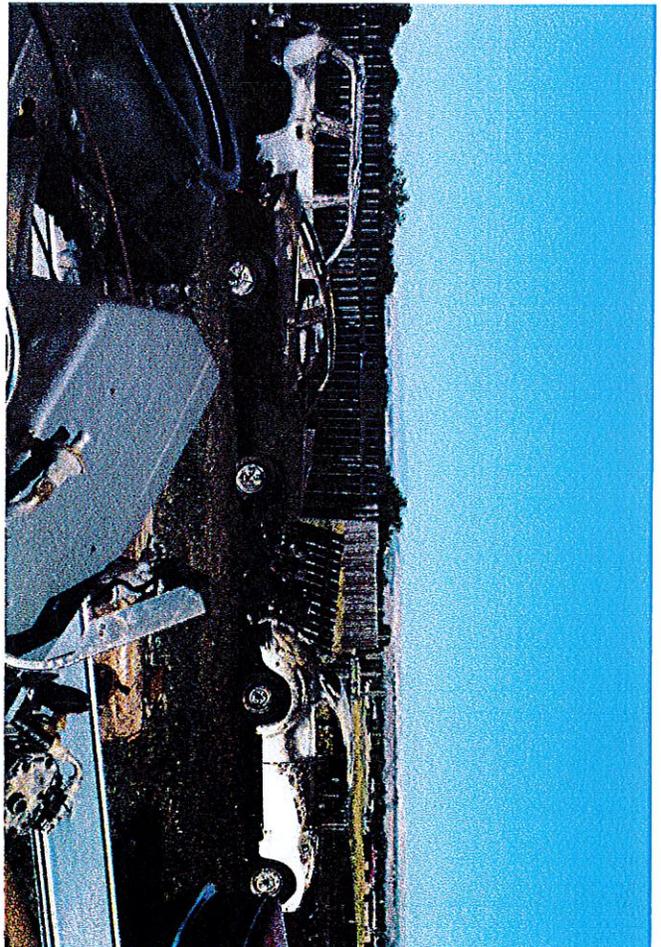
Please drive out to midway of Center Av. to Payette Heights and see what we are worried about. We need your help in this weed abatement problem. We feel like we are all alone out here and no one cares. Please address this issue and we would appreciate to be informed of the outcome.

Thank you,

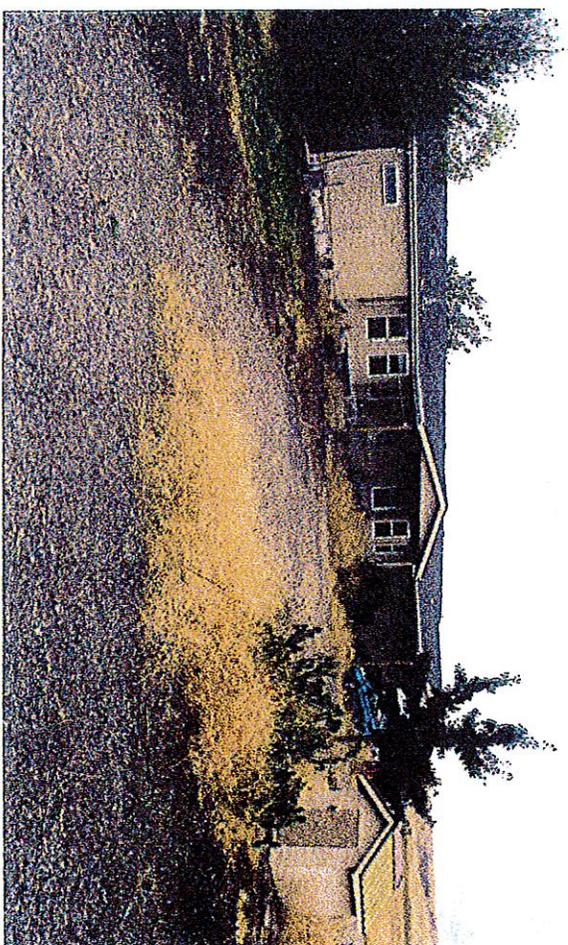
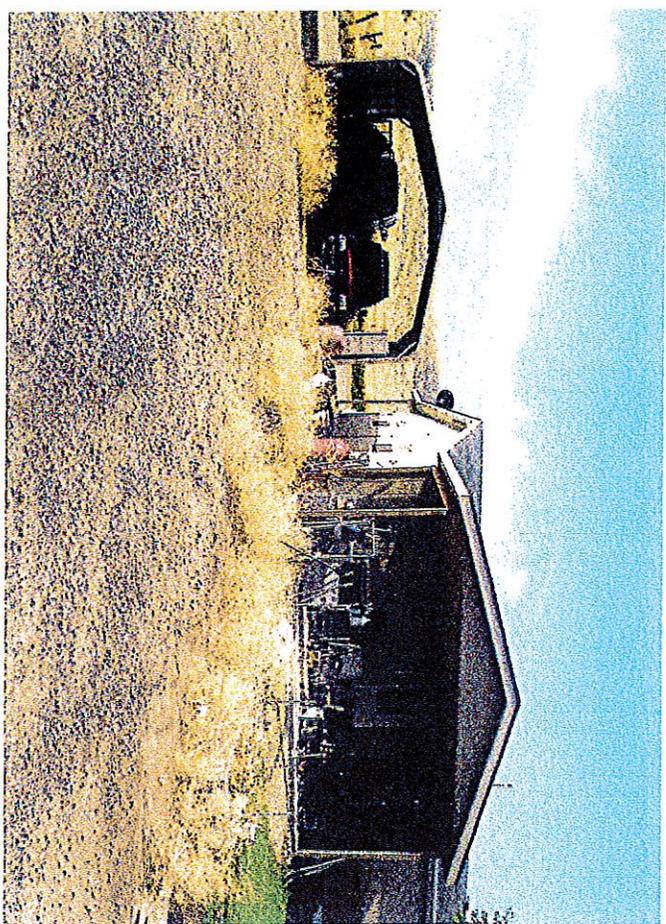

Nancy Sobers



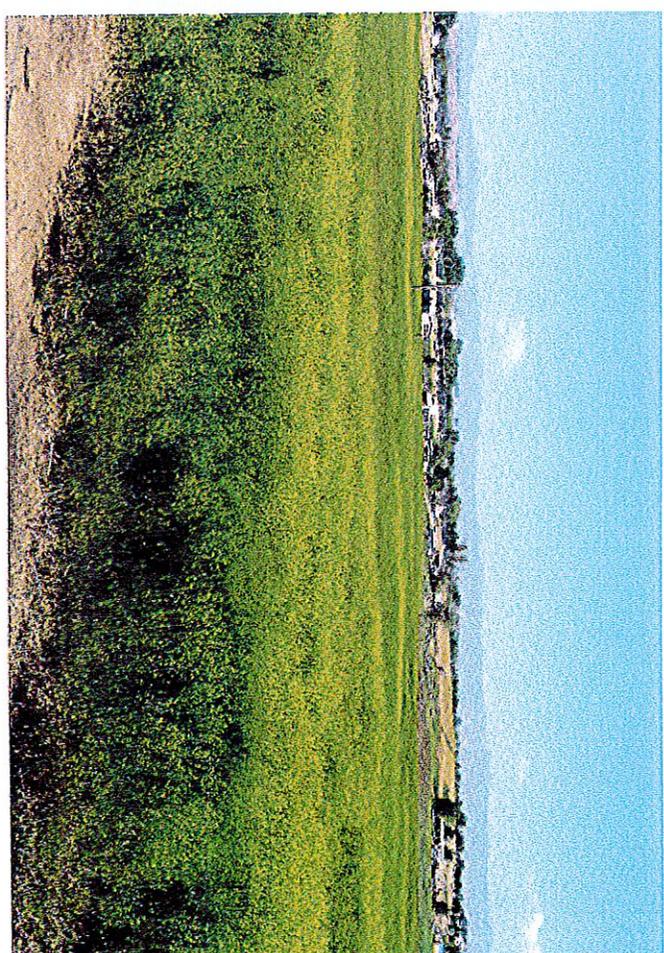
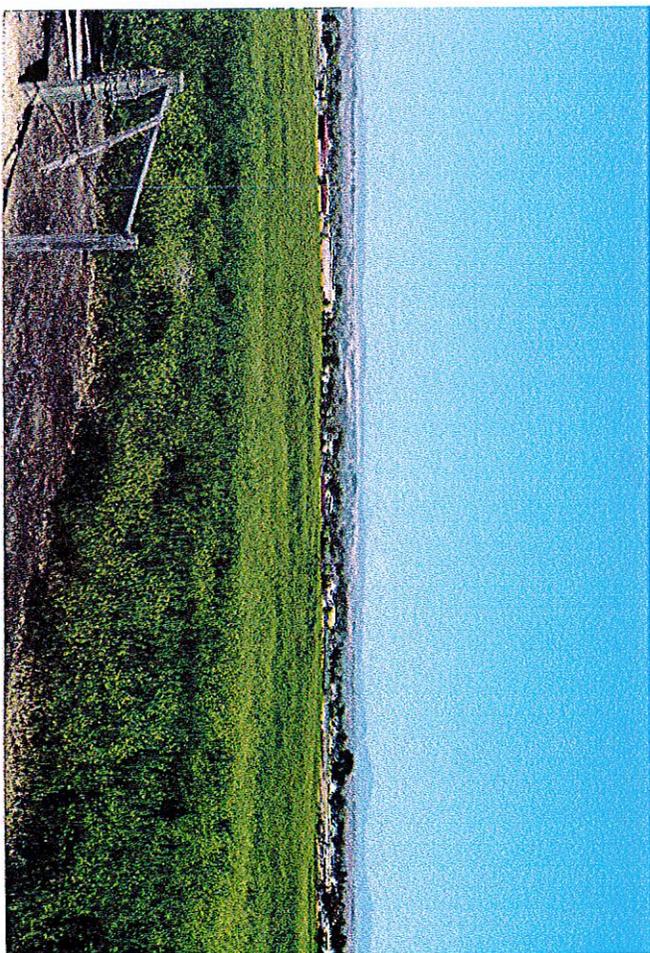
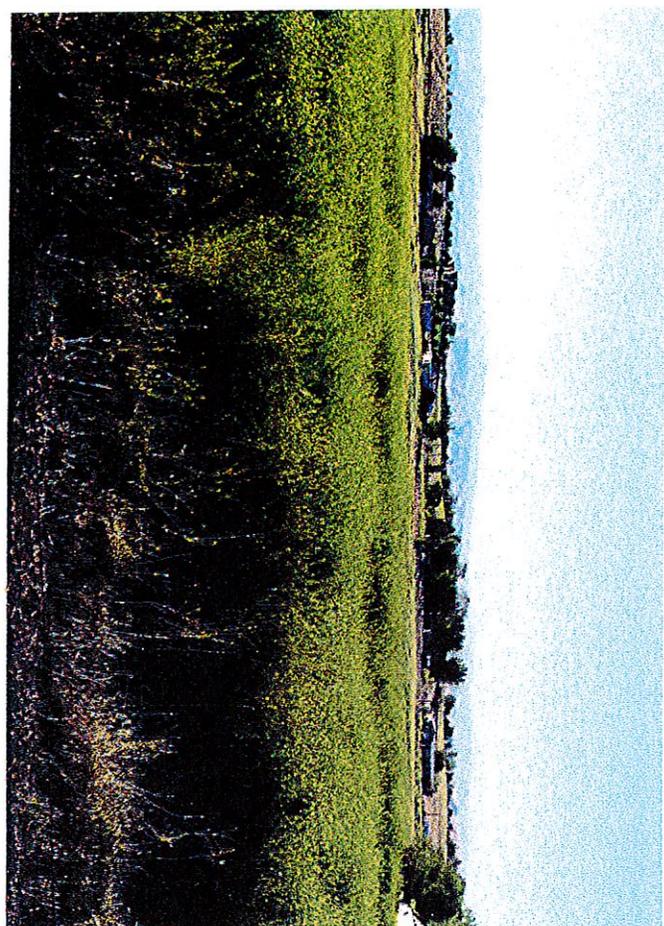
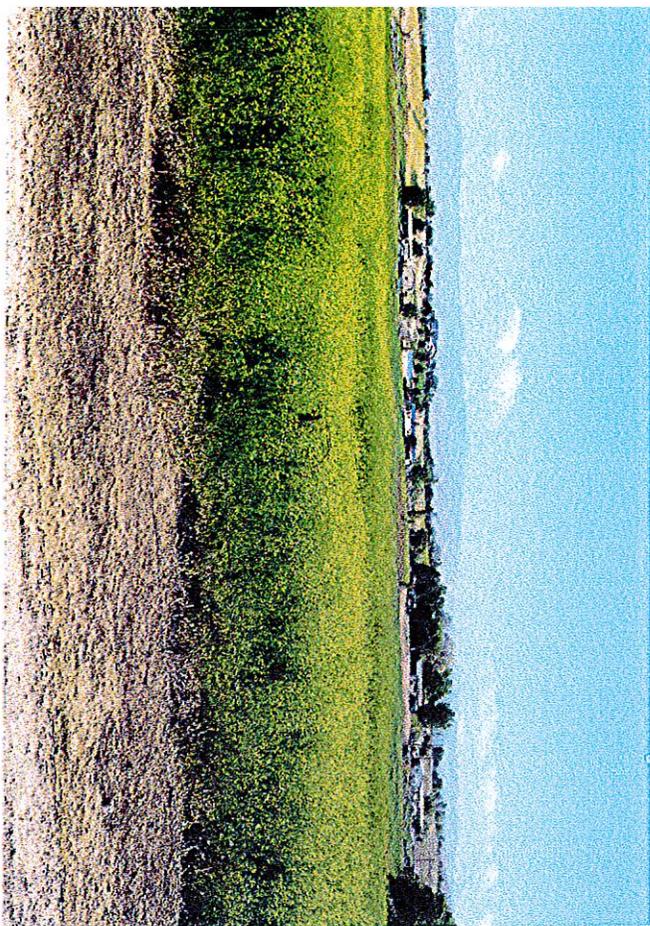
2015



Aug. 2015



May 12, 2016



17.32.020: PERMITTED USES:

Permitted uses in the C commercial district are as follows:

Assembly halls.

Automobile sales rooms.

Carpenter shops.

Dancing academies.

Drinking establishments that serve beer, wine or liquor for on-site consumption.

Dry cleaning and laundry establishments.

Garages, private and public.

Hotels.

Lodge halls.

Mortuaries, funeral homes, undertaking parlors.

Motels.

Municipal facilities.

Newspaper printing plants.

Office buildings.

Photograph galleries.

Printing and bookbinding establishments.

Public transportation depots.

Recreation halls.

Repair shops.

Restaurants and tearooms.

Service stations and convenience stores.

Stores, retail and wholesale.

Studios.

Telephone exchanges.

Theaters. (Ord. 1204, 2002; Ord. 1094 § 1, 1995; Ord. 1066 § 1, 1993; Ord. 971 § 12, 1987; prior code § 11-8-1(A))

17.32.030: CONDITIONAL USES:

The following uses may be permitted by the planning and zoning commission after public notice has been given by United States mail to all property owners within three hundred feet (300') of the property in question and a public hearing is held. The planning and zoning commission may require appropriate safeguards and special conditions as said commission deems necessary. Such uses and buildings must be appropriately located and designed to meet a community need without adversely affecting the neighborhood.

Uses permitted in A residential districts and in B residential districts. Any permitted residential use shall meet the residential zoning standards as specified in the A residential and B residential zoning regulations.

Churches.

Dance halls.

~~Drinking establishments that serve beer, wine or liquor for on-site consumption.~~

Light manufacturing, which is not dangerous or offensive on account of dust, gas or smoke and noise.

Manufactured home parks. Because of increased residential density in a manufactured home park, commercial uses allowed in commercial zones will not be permitted within a manufactured home park.

Residential use directly connected to the business including, but not limited to, motel residences, security housing, office/residence setups. Such residences shall meet all standards for residences as specified in the B residential district.

Warehouses used for storage of merchandise that is sold at retail on the premises to the ultimate consumer, excluding mail order warehouses.

Warehouses used for storage of personal property not intended for sale. (Ord. 1330, 2010)

17.34.030: CONDITIONAL USES:

The following uses may be permitted by the planning and zoning commission after public notice has been given by United States mail to all property owners within three hundred feet (300') of the property in question and a public hearing is held. The planning and zoning commission may require appropriate safeguards and special conditions as said commission deems necessary. Such uses and buildings must be appropriately located and designed to meet a community need without adversely affecting the neighborhood.

All conditional uses as allowed in a C commercial district.

~~Drinking establishments that serve beer, wine or liquor for on-site consumption.~~

Residential use. (Ord. 1204, 2002)

17.36.030: CONDITIONAL USES:

The following uses may be permitted by the planning and zoning commission after public notice has been given by United States mail to all property owners within three hundred feet (300') of the property in question and a public hearing is held. The planning and zoning commission may require appropriate safeguards and special conditions as said commission deems necessary. Such uses and buildings must be appropriately located and designed to meet a community need without adversely affecting the neighborhood.

~~Drinking establishments that serve beer, wine or liquor for on-site consumption.~~

Fuel yards.

Manufactured home parks.

Residential uses; any permitted residential use shall meet the residential standards as specified in the B residential zone regulations. (Ord. 1204, 2002)

Chapter 17.56

NONCONFORMING USES

17.56.010: EXISTING STRUCTURES, BUILDINGS AND LAND; CONTINUANCE PERMISSIBLE WHEN:

17.56.012: EXISTING NONCONFORMING SINGLE-FAMILY RESIDENTIAL USE:

17.56.020: UNSAFE BUILDINGS OR STRUCTURES:

17.56.030: BUILDINGS OR STRUCTURES; RESTRICTIONS ON ALTERATIONS:

17.56.040: EXTENSIONS:

17.56.050: CHANGES PROHIBITED:

17.56.060: RESTORATION PERMISSIBLE WHEN:

17.56.070: WEAR AND TEAR REPAIR PERMISSIBLE WHEN:

17.56.080: ABANDONMENT; RETURN PROHIBITED:

17.56.090: EXTENSION FOR PURPOSES OF DISPLACEMENT PROHIBITED:

17.56.100: JUNKYARDS AND WRECKING YARDS; ZONING CHANGES;

ENCLOSURES REQUIRED WHEN:

17.56.110: UNLAWFUL USE NOT AUTHORIZED:

17.56.120: APPLICABILITY TO DISTRICT BOUNDARY CHANGES:

17.56.130: PROCEDURE DESIGNATED:

**17.56.010: EXISTING STRUCTURES, BUILDINGS AND LAND;
CONTINUANCE PERMISSIBLE WHEN:  **

The lawful use of any building, structure or land existing at the time of the enactment of the provision in this title may be continued although such use does not conform with the provisions of this chapter, provided the conditions of this chapter are met. (Ord. 1204, 2002: prior code § 11-4-1(A))

**17.56.012: EXISTING NONCONFORMING SINGLE-FAMILY
RESIDENTIAL USE:  **

Any single-family structure, located in any district that was in use as a single-family residence at the time of adoption or amendment to this chapter, and which has continued as a residential use, shall not be considered to be a nonconforming use but shall be considered a special use until such time that the residential use is replaced with another approved use. A single-family residential structure, granted special use status, shall have the same privileges as a permitted residential structure and may be replaced/remodeled if a building permit has been obtained, and as long as the setbacks can be met or a variance is granted. Upon a change in use, to commercial or industrial, the residential structure shall not be changed back to a residential use unless a conditional use permit has been approved through following the public hearing process. A change in use shall not be considered to have occurred until the structure has actually been converted to a nonresidential use. (Ord. 1392, 2015)

17.56.020: UNSAFE BUILDINGS OR STRUCTURES:  

Nothing in this title shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority. (Ord. 1204, 2002: prior code § 11-4-1(A)(1))

A nonconforming building or structure may be altered, improved, or reconstructed provided such work is not to an extent exceeding in aggregate cost sixty percent (60%) of the assessed value of the building or structure, unless the building or structure is changed to a conforming use. (Ord. 1204, 2002: prior code § 11-4-1(A)(2))

17.56.040: EXTENSIONS:

A nonconforming use shall not be extended, but the extensions of a lawful use to any portion of a nonconforming building or structure which existed prior to the enactment of the provisions in this title shall not be deemed the extension of such nonconforming use. (Ord. 1204, 2002: prior code § 11-4-1(A)(3))

17.56.050: CHANGES PROHIBITED:

No nonconforming building, structure or use shall be changed to another nonconforming use. (Ord. 1204, 2002: prior code § 11-4-1(A)(4))

17.56.060: RESTORATION PERMISSIBLE WHEN:

Nothing in this title shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure damaged by fire, collapse, explosion or act of God, subsequent to the effective date of the provisions codified in this chapter, wherein the expense of such work does not exceed sixty percent (60%) of the actual value of the building or structure at the time such damage occurred. Provided, however, in the case of damage exceeding sixty percent (60%) of the value of a residential dwelling which is located in a commercially zoned area, the owner shall be allowed to rebuild the structure provided the rebuilt/replacement structure complies with the most current residential setback requirements and the building permit is applied for and construction commences within one year of the damage. (Ord. 1256, 2006: Ord. 1204, 2002: prior code § 11-4-1(A)(6))

17.56.070: WEAR AND TEAR REPAIR PERMISSIBLE WHEN:

Nothing in this title shall prevent the reconstruction, repairing or rebuilding of a nonconforming building, structure or part thereof, existing at the effective date of the

provisions in this title, rendered necessary by wear and tear, deterioration or depreciation; provided, that the cost of such work shall not exceed twenty five percent (25%) of the assessed value of such building or structure at the time such work is done, nor shall it prevent compliance with the provisions of this code. (Ord. 1204, 2002: prior code § 11-4-1 (A)(7))

17.56.080: ABANDONMENT; RETURN PROHIBITED:

A nonconforming use of any building or premises which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned:

- A. When the intent of the owner to discontinue the use is apparent; or
- B. When the characteristic equipment and the furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within one year, unless other facts show intention to resume the nonconforming use; or
- C. When it has been replaced by a conforming use; or
- D. When it has been changed to another use under permit from the planning and zoning commission; or
- E. When the use has been discontinued for a period of ninety (90) days. (Ord. 1204, 2002: prior code § 11-4-1(A)(8))

17.56.090: EXTENSION FOR PURPOSES OF DISPLACEMENT PROHIBITED:

No nonconforming use shall be extended to displace a conforming use. (Ord. 1204, 2002: prior code § 11-4-1(A)(9))

17.56.100: JUNKYARDS AND WRECKING YARDS; ZONING CHANGES; ENCLOSURES REQUIRED WHEN:

No junkyard or automobile wrecking yard not within an enclosed masonry building and not within a heavy industrial or unrestricted industrial district shall be operated or maintained for more than six (6) months after a zoning change to a use district within which such yard is not permitted; except, that in a light industrial district, where the planning and zoning commission determines that it is impractical to roof over a large area containing junk material or an automobile wrecking yard, the commission may permit the construction around such area of a seven foot (7') high masonry wall or substantial sightly tight or semitight fence, whichever in its opinion is the more appropriate in the surroundings of the property, and may then permit, for a specified time, the continued use of such property for such purposes. (Ord. 1204, 2002: prior code § 11-4-1(A)(10))

17.56.110: UNLAWFUL USE NOT AUTHORIZED:

Nothing in this title shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of the provisions of this title. (Ord. 1204, 2002: prior code § 11-4-1(A)(11))

17.56.120: APPLICABILITY TO DISTRICT BOUNDARY CHANGES:

Whenever the boundaries of a district are changed so as to transfer an area from one district to another district of a different classification, the provisions of this chapter shall also apply to any nonconforming uses existing therein. (Ord. 1204, 2002: prior code § 11-4-1(A))

17.56.130: PROCEDURE DESIGNATED:

- A. The council may, from time to time, on its own motion, or on petition or on recommendation of the planning commission, amend, supplement or repeal the regulations and provisions of this title.
- B. Every such proposed amendment or change, whether initiated by the council or by petition, shall be referred to the planning commission for a report thereon before the public hearing provided for in subsection C of this section.

C. The council shall fix the time and place of a public hearing on proposed amendments and cause notice to be published not less than fifteen (15) days prior to the hearing in the newspaper of general circulation within the city. The notice shall state the general nature of the proposed amendments.

D. An amendment or rezoning may be initiated by a petition of interested property owners for rezoning of any land to a less restricted district; provided, that said land is adjacent to or directly across a street or alley from property which is already zoned the same or less restricted zone as that to which said property is proposed to be zoned. (Ord. 1204, 2002)

Chapter 3

NONCONFORMING STRUCTURES AND USES

10-3-1: INTENT:

- A. Within the districts established by this title or amendments that may later be adopted, there exist structures and uses of land which were lawful before this title was passed or amended but which would be prohibited, regulated or restricted under the terms of this title or future amendments.

- B. It is the intent of this chapter to permit those nonconformities to continue until they are removed but not to encourage their survival. It is further the intent that nonconformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except as herein otherwise provided.

- C. To avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this title and upon which actual building construction has been diligently carried on. (Ord. 1183, 12-12-2005)

10-3-2: NONCONFORMING USES:

Where, at the effective date of adoption or amendment of this title, lawful use of land exists that is made no longer permissible under the terms of this title, such use may be continued subject to the following provisions:

- A. No such nonconforming use or the intensity of such use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this title.

- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this title.

- C. If any such nonconforming use of land ceases for any reason for a period of more than one year any subsequent use of such land shall conform to the regulations specified by this title for the district in which such land is located after following procedures listed in section 10-3-5 of this chapter. (Ord. 1183, 12-12-2005)

10-3-3: NONCONFORMING STRUCTURES:

If a lawful use of a structure or of structures and premises in combination exists at the effective date of adoption or amendment of this title that would not be allowed in the district under the terms of this title, the lawful use may be continued subject to the following conditions:

- A. No existing structure devoted to a use not permitted in the district in which it is located shall be enlarged, extended, constructed, reconstructed or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located, nor shall the intensity of such use be increased or extended, except that the planning and zoning commission, by special permit in the case of an affirmative showing of undue hardship may grant an extension or enlargement of a nonconforming use not exceeding twenty five percent (25%) of the ground area of the building.

- B. Any nonconforming use may be extended throughout any parts of a building that were manifestly arranged or designed for such use at the time of adoption or amendment of this title, but no such use shall be extended to occupy any land outside such building.

- C. When a nonconforming use of a structure or a structure and premises in combination is discontinued or abandoned for a period of one year, the structure or structure and premises in combination shall not, thereafter, be used except in conformance with the regulations of the district in which it is located.

- D. Any nonconforming building or structure damaged more than sixty percent (60%) of its then fair market value, exclusive of the foundations, at the time of damage by fire, flood, explosion, war, riot or act of God, shall not be restored or reconstructed and used as before such happening, but if less than sixty percent (60%) is damaged above the

foundation, it may be restored, reconstructed or used as before, provided that it may be done within four (4) months of such happening and be built of like or similar or better materials.

E. If any such nonconforming use of land ceases for any reason for a period of not more than one year, any subsequent use of such land shall conform to regulations specified by this title for the district in which said land is located.

F. In areas where the grazing and feeding of livestock are not allowed, if the use of the land for grazing purposes ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified in this title for the district in which such land is located. (Ord. 1183, 12-12-2005)

10-3-4: REPAIRS AND MAINTENANCE:

A. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs or on repair or replacement on nonbearing walls, fixtures, wiring or plumbing, provided that the cubic content of the building as it existed at the time of passage or amendment of this title shall not be increased except as above provided.

B. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. (Ord. 1183, 12-12-2005)

10-3-5: CONTINUANCE OF NONCONFORMING USE:

A. If the nonconforming use continues for a period of one year or longer, the city shall, by written request, require that the owner declare his intention with respect to the continued nonuse of the improvements in writing within twenty eight (28) days of receipt of the request. If the owner elects to continue the nonuse, he shall notify the city in writing of his intention and shall post the property with notice of his intent to continue the nonuse of the improvements. He shall also publish notice of his intent to continue the nonuse in a newspaper of general circulation in the county where the property is located. If the property owner complies with the requirements of this subsection, his right to use such

improvements in the future for their designed purpose shall continue for a period of ten (10) years, notwithstanding any change in the zoning of the property.

- B. The property owner may voluntarily elect to withdraw the use by filing with the clerk of the city or the county, as the case may be, an affidavit of withdrawn use. If the property is redesigned for a different use, the property owner shall be deemed to have abandoned any grandfather right to the prior use of the property.

- C. For purposes of this section "designed purpose" means the use for which the improvements were originally intended, designed and approved pursuant to any applicable planning and zoning ordinances.

- D. The provisions of this section shall not be construed to prohibit the city from passing or enforcing any other law or ordinance for the protection of the public health, safety and welfare. (Ord. 1183, 12-12-2005)

Ordinance No.
Source Water Protection Ordinance

AN ORDINANCE OF THE CITY OF PAYETTE SETTING FORTH A TITLE AND PURPOSES, DEFINING TERMS, AUTHORIZING ESTABLISHMENT OF SOURCE WATER OVERLAY DESIGNATIONS, DEFINING SUCH DESIGNATIONS, PROVIDING FOR THE ADOPTION OF A MAP DEPICTING SUCH DESIGNATED LOCATIONS, REQUIRING A PERMIT APPLICANT TO DEMONSTRATE COMPLIANCE, PROVIDING PENALTIES, PROVIDING ADMINISTRATIVE PROCEDURES RELATING TO PERMIT APPROVALS, REQUIRING A WRITTEN RECORD OF PERMIT ACTIVITY, AUTHORIZING APPEALS TO THE CITY COUNCIL, ESTABLISHING THE STATUS OF EXISTING NONCONFORMING USES, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE

Whereas, avoidance of the costs and disruption caused by pollution of the community drinking water supply is the most cost-effective means by which to protect the public interest, and

Whereas, the provision of clean, safe drinking water is one of the most vital assets available to any community, and

Whereas, the presence of hazardous materials and the conduct of certain land-related practices can make the source of community drinking water supply (source water) vulnerable to irreparable harm, and

Whereas, certain natural hydrogeologic conditions can increase the vulnerability of the community source water to contamination, and

Whereas, it is universally recognized that the costs of remediation of source water pollution in both economic and social terms are the most expensive means by which to meet the community's needs for clean water, and

Whereas, certain forms of source water pollution cannot be readily remediated irrespective of cost or need, and

Whereas, treatment of the drinking water supply after it has been collected from the source to meet drinking water quality standards can be costly, and

Whereas, suitable alternatives of drinking water may be costly or not available if the water supply becomes contaminated, and

Whereas, Article XII, section 2 of the Constitution of the State of Idaho authorizes Idaho's counties and cities to "make and enforce, within its limits, all such local police, sanitary, and other regulations as are not in conflict with its charter or with the general laws," and

Whereas, Idaho Code 67-65, "Local Land Use Planning," authorizes land-use regulations to implement comprehensive plan policies intended to protect natural resources and maintain the economic health of each community, and

Whereas, the planning and zoning process should be complementary to health and safety requirements that protect the health of individuals and sustain economic well-being within each local jurisdiction.

Whereas, the City of Payette has adopted Title 17, Zoning, of the Payette Municipal Code.

Now, therefore, be it ordained by the Mayor and Council of the City of Payette as follows:

SECTION I. TITLE AND PURPOSES

- A. This ordinance may be referred to as the *Source Water Protection Ordinance*.
- B. The purposes of this ordinance include
 1. Protecting the health, safety, and general welfare of the public.
 2. Fostering economic well-being derived from the availability of clean water.
 3. Minimizing public costs related to remediation, treatment, or replacement of the community water supply.
 4. Avoiding private costs and economic dislocation as a result of pollution of the public water supply.
 5. Providing effective and efficient means for processing administrative permits to implement this ordinance.

SECTION II. DEFINITIONS

Consider adding more definitions to define measures that are determined to be the most effective, practical means of preventing or reducing point source or non point source pollution to groundwater and water bodies. May consider financial guarantees or other leverage to ensure compliance.

Certain defined words and phrases shall have the particular meaning set forth in this section when used within the text of this ordinance or as particularly defined in IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems" adopted by the Idaho Board of Environmental Quality and Idaho Legislature. All other words and phrases contained in this ordinance shall be construed in light of their typical meaning applied in the context of the purpose and intent set forth above and elsewhere herein.

- A. **Agricultural Runoff Waste Water.** Water diverted for irrigation, but not applied to

crops, or runoff of irrigation water from cropland as a result of irrigation.

- B. **Aquifer Remediation-Related Wells.** Wells used to prevent, control, or remediate aquifer pollution, including, but not limited to, wells at Superfund sites.
- C. **Community Public Water System.** A public water system (PWS) that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
- D. **Facility.** Any land use, business, or undertaking that is established, constructed, or modified to serve a particular purpose for which potential issues may affect possible degradation of source water.
- E. **Hazardous Waste Disposal Facility.** A hazardous waste treatment, storage, or disposal facility that receives hazardous material as described in the Code of Federal Regulations 40 CFR 260.1.
- F. **Hazardous Waste or Material.** Any waste or material that because of its quantity, concentration, physical, chemical, or infectious characteristics may
 1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or,
 2. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of, or otherwise managed; or,
 3. Any material or substance designated as a hazardous or toxic substance defined by 40 CFR 261.3, or any material or substance designated as a hazardous or toxic substance by the State of Idaho, acting through the Idaho Department of Environmental Quality (DEQ) or any successor agency.
- G. **Idaho Department of Environmental Quality Public Water System Records.** Geographic information system data concerning the location and environmental characteristics of water sources for PWSs maintained on computer systems by DEQ or by those subject to DEQ oversight.
- H. **Injection Well.** Any excavation or artificial opening into the ground used for or intended to be used for injection of waters into the ground inclusive of all facilities so defined within the rules of the Idaho Department of Water Resources.
- I. **Nontransient Noncommunity Public Water System.** A PWS that does not meet the definition of a community PWS and that serves at least 25 of the same persons over 6 months per year. Examples of nontransient noncommunity systems include schools, offices, and businesses.
- J. **Public Water System.** An integrated source and distribution system defined in Idaho code or regulation serving piped water for human consumption, if such system has at least 15

service connections or regularly serves an average of at least 25 individuals at least 60 days out of the year, or as such definition may subsequently be modified by state law or regulation. A PWS can be either *a community PWS*, *a nontransient noncommunity PWS*, or *a transient noncommunity PWS*.

- K. **Sanitary Landfill.** A solid waste disposal operation as defined by Idaho code or regulation.
- L. **Source Water.** Any aquifer, surface water body, or watercourse from which water is taken either periodically or continuously by a PWS for drinking or food-processing purposes.
- M. **Special Drainage Wells.** Injection wells used for disposing of water from sources other than direct precipitation. Examples of this well type include landslide control drainage wells, potable water tank overflow drainage wells, swimming pool drainage wells, and lake level control drainage wells.
- N. **Storm Water Runoff.** Water discharged into the environment as a result of rain, melting snow, or other precipitation.
- O. **Time of Travel Areas.** Time of travel (TOT) is land area plotted based on the time required for a particle of water to move from a specific point in the aquifer to a well or spring that serves as a source for a PWS. TOT areas are those calculated or approved by DEQ professionals and maintained in DEQ's public records.
- P. **Transient Noncommunity Public Water Systems.** A PWS that does not regularly serve at least 25 of the same persons over 6 months per year (e.g., tavern, restaurant with less than 25 regular employees, motel, church, campground, state or federal park, a recreational vehicle park, or highway rest area).
- Q. **Wellhead.** The upper terminus of a well, including adapters, ports, seals, valves, and other attachments.

SECTION III. AUTHORIZATION TO ESTABLISH SOURCE WATER PROTECTION OVERLAY DESIGNATIONS.

- A. To protect source water from exposure to hazardous materials or practices that expose a well or spring that supplies water to a PWS, the Source Water Protection Overlay (SWPO) designation established pursuant to this ordinance shall implement certain measures of protection for water sources appropriate to the risk posed by particular conductor activities. A SWPO designation shall be identified and configured to protect a well, spring, or surface water source from vulnerability to pollutants within a calculated 10-year Time of Travel (TOT) area determined by studies and mapping provided by DEQ. Original data concerning such studies can be obtained from DEQ.
- B. Source Water Protection Overlay (SWPO) designations shall be depicted on a map of the City of Payette that is designated as the official SWPO designation map. Each spring, well, or surface water intake that serves as a source for a PWS shall be located on the SWPO map. The

official SWPO map of like date with the initial effective date of this ordinance is hereby adopted as a component of this ordinance and as a complement to the zoning ordinance of the City of Payette. Each subsequently identified PWS well, spring, or surface water intake shall hereby be automatically added to the SWPO map with the well, spring, or surface water intake location identified by its Global Positioning System coordinates, or by the same means that other wells, springs, or surface water intakes are located within DEQ records concerning PWS wells, springs, or surface water intakes as soon as DEQ studies concerning such PWS are complete. Even if a PWS well, spring, or surface water intake is not depicted on the SWPO map, it shall nonetheless be subject to the protection and limitations afforded by this ordinance. No amendment of this ordinance or map shall be necessary to apply the requirements of this ordinance to any PWS source. Corrective amendments to the SWPO map can be made by administrative staff of the City of Payette upon a determination of factual propriety.

SECTION IV. WELL OR SPRING WATER PROTECTION TIERS- AUTHORIZATION, ESTABLISHMENT, AND LIMITATIONS

Establishment of Wellhead or Spring-Related Vulnerability Tiers. Surrounding each PWS well or spring shall be 4 functional tiers that correlate with the vulnerability of a PWS well or spring to contamination. Each tier shall be subject to the functional use and activity limitations prescribed by the City of Payette zoning ordinance.

1. Wellsite/Springsite Tier

The land that immediately surrounds the wellhead or the point of capture of water flowing from a spring and having a radius of not less than 50 (suggest using a six month time of travel TOT map which will require a groundwater study) feet from the well or spring center, or as otherwise depicted in DEQ's PWS records, shall be known and designated as the Wellsite/Springsite Tier. Irrespective of the local land-use zone applied within the Wellsite/Springsite Tier, uses permitted therein shall be limited to necessary public water supply wellhead equipment, which may include pump houses, wellhead facility buildings, water storage tanks, disinfection equipment, disinfection chemical storage, and approved landscaping. No uses otherwise permitted by the underlying land-use zone shall be permitted in the Wellsite/Springsite Tier unless approved by DEQ. The area encompassed by the Wellsite/Springsite Tier shall include, at a minimum, the land (six months time of travel as defined by map and study) referenced above.

2. Inner Vulnerability Tier

The PWS Inner Vulnerability Tier constitutes those lands located outside the Wellsite/Springsite Tier, extending outward to the inside boundary of the Intermediate Vulnerability Tier. The inside boundary of the Intermediate Vulnerability Tier coincides with the outer limit of the area determined to circumscribe the 0 to 3-year TOT area for community and nontransient noncommunity PWSs, or a 1,000-foot radius for transient noncommunity PWSs as determined by site-specific DEQ evaluation. In addition to the land-use standards made applicable by the

underlying land-use zone and general restrictions supplied by the City of Payette zoning ordinance, the land uses, physical installations, or conditions established by Chapter 17.90 the City of Payette zoning ordinance shall be restricted or prohibited within the Inner Vulnerability Tier as determined

within the applicable DEQ records for each PWS.

3. Intermediate Vulnerability Tier

The PWS Intermediate Vulnerability Tier constitutes those lands located outside the Inner Vulnerability Tier, extending outward to the inside boundary of the Outer Vulnerability Tier. The inside boundary of the Outer Vulnerability Tier coincides with the outer limit of the area determined to circumscribe the 3 to 6-year TOT area as determined by site-specific DEQ evaluation. In addition to the land-use standards made applicable by the underlying land-use zone and general restrictions supplied by the City of Payette zoning ordinance, the land uses, physical installations, or conditions established by Chapter 17.90 of the City of Payette zoning ordinance shall be **restricted or prohibited** within the Intermediate Vulnerability Tier as determined within the applicable DEQ records for each PWS.

4. Outer Vulnerability Tier

The Outer Vulnerability Tier constitutes those lands located outside the Intermediate Vulnerability Tier extending outward to the outside boundary of the Outer Vulnerability Tier. The outside boundary of the Outer Vulnerability Tier coincides with the outer limit of the area determined to circumscribe the 6 to 10-year TOT area as determined by site-specific DEQ evaluation.

In addition to the land-use standards made applicable by the underlying land-use zone and general restrictions supplied by the City of Payette zoning ordinance, the land uses, physical installations, or conditions established by _____ of the City of Payette zoning ordinance shall be restricted or prohibited within the Outer Vulnerability Tier as determined within the applicable DEQ records for each PWS.

SECTION V. SURFACE WATER SOURCE PROTECTION

Establishment of Surface Water Intake Vulnerability Tiers. Surrounding each PWS surface water intake shall be 2 functional tiers that correlate with the vulnerability of a PWS surface water source to contamination. Each tier shall be subject to the functional, use, and activity limitations prescribed by the City of Payette zoning ordinance.

1. Site of Surface Water Intake Tier

The land that immediately surrounds the point of intake of water from a surface water body and having a radius of 1,000 feet from the center of the intake shall be known and designated as the Surface Water Intake Tier. Irrespective of the land-use zone applied to lands located within 1,000 feet of a PWS surface water intake, uses permitted at a vertical elevation at or above the elevation of the surface water intake within the Surface Water Intake Tier shall be limited to necessary public water supply intake equipment. No uses otherwise permitted by the underlying land-use zone shall be permitted in the Surface Water Intake Tier unless site design practices have been employed to prevent discharge of contaminants into the PWS surface water intake by gravity or by means of pressure.

2. Surface Water Watershed Tier

Within the jurisdictional limits of the City of Payette, the lands within watersheds that influence the quality of waters that supply the surface water intake, but outside the Site of Surface Water Intake Tier, shall be known and designated as the Surface Water Watershed Tier. Irrespective of the land-use zone applied to lands located within the watershed that feeds any PWS surface water intake, land-use activities permitted by the City of Payette zoning ordinance subsequent to the enactment of this ordinance shall comply with best management practices (BMPs), which define methods to prevent surface water contamination. Such BMPs shall be adopted by resolution of the City Council.

SECTION VI. DEMONSTRATION OF COMPLIANCE REQUIRED

Any request for a building or zoning permit to the City of Payette that falls within a designated Vulnerability Tier requires the applicant to demonstrate compliance with the provisions of this ordinance.

SECTION VII. ADMINISTRATIVE REQUIREMENTS

Administrative Permit or Conditional Use Permit Process??

Define basis for granting or denying Permit.

Check enforcement tools in ordinances for permit revocation.

A. All permit requests shall be in writing. The obligation to demonstrate compliance with the requirements of this ordinance shall lie with the permit applicant. Whenever any permit request calls for proof of compliance, the administrator of this ordinance shall maintain written records of the compliance process from the point of initial application to its conclusion.

B. Whenever an administrative authorization is required to demonstrate compliance with standards established by this ordinance or whenever an administrative authorization decision is appealed to the City Council of the City of Payette, written notice of the hearing shall be given to the entity(ies) operating the public water supply(ies) within the regulatory distance called for pursuant to this ordinance. Any administrative determination shall comply with any procedural requirements established by the City of Payette zoning ordinance and this ordinance. Said determination shall be in writing and shall state the basis in fact and law for the approval or denial of a permit. An applicant is authorized to request reconsideration of any permit decision by the administrator, provided that an affected PWS shall be notified of any such request and shall be allowed to participate in any such proceedings. The permit applicant and affected PWS shall be promptly notified of the final decision.

C. Any permit decision made by the administrator may be appealed by the permit applicant or the PWS to the City Council of the City of Payette. Any such appeal must be filed within 28 days of the mailing date of the final decision by the administrator and shall state the legal basis therefor. The appellant, any opposing party, and the administrator shall be entitled to be heard by the City Council. Any decision on appeal made by City Council of the City of Payette shall be in writing and shall state the facts and legal standards relied upon.

SECTION VIII. PENALTY FOR VIOLATION

Failure to demonstrate compliance with applicable provisions of this ordinance, failure to demonstrate compliance with the City of Payette zoning ordinance, or express noncompliance with this ordinance shall constitute a violation of this ordinance subject to a misdemeanor criminal fine of up to \$1,000 per day of violation, 6 months of incarceration per day of violation, or both such fine and incarceration for each day that a violation continues.

SECTION IX. STATUS OF LAWFUL EXISTING FACILITIES

Any lawful use existing at the time of the adoption of this ordinance and characterized as a prohibited or restricted use herein, shall be recognized as a lawful nonconforming facility. Any such nonconforming facility may not be expanded or modified except as otherwise provided in the zoning ordinance and in accordance with provisions of this ordinance. Mitigation or preventive measures may be required as a precondition for allowing modification or expansion of nonconforming facilities located within any designated tier.

SECTION X. SEVERABILITY

The ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

SECTION XI. REPEAL OF CONFLICTING PROVISIONS

All provisions of the current City of Payette code or ordinances of the City of Payette that conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION XII. EFFECTIVE DATE

This ordinance shall be effective upon its passage and publication as provided by law.

Enacted by the City Council as an ordinance of the City of Payette on the day of _____, 2016.

Approved by the Mayor on the _____ day of _____, 2016.

Attest: _____
City Clerk

Proposed addition to the City of Payette Zoning Ordinance:

Section (X). Protection of Public Water System Sources

Irrespective of the zoning designation applied to any land or land use governed by this ordinance, such zoning designation shall be subject to the limitations established by this section pursuant to the complementary ordinance of the City of Payette, which is intended to protect source water that supplies public water systems (PWS) within the City of Payette. By reference to the provisions and accompanying map (Title of Map and revision date) that comprise Ordinance No. (or code section reference), the following requirements and limitations apply within any land-use zone:

A. As respects the Inner Vulnerability Tier designated by Ordinance No. _____, the following uses are hereby prohibited:

- i. Sanitary landfill.
- ii. Confined Animal Feeding Operation (CAFO) as defined by code or rule.
- iii. Hazardous Waste Storage or Disposal Facility as defined herein.
- iv. Injection wells (shallow and deep) except for closed systems, certified as such by a licensed professional engineer.
- v. Existing sewer lines less than 100 feet from a PWS wellhead-serves as constraint on new well placement.
- vi. New sanitary sewer system components and sewer lines closer than 150 feet from a PWS wellhead.
- vii. Existing septic tanks or drainfields less than 100 feet from a PWS wellhead serves as constraint on new well placement.
- viii. Any newly installed septic tanks or drainfields less than 200 feet away from a PWS wellhead.
- ix. Junk or salvage yards as defined by this zoning ordinance.
- x. Automobile or truck body/repair shops, gas stations, maintenance or fueling areas.
- xi. Petroleum manufacturing or processing facilities providing treatment or disposal of petroleum products including but not limited to waste oil, oil filters, and tires and all other petroleum products.
- xii. Oil and gas wells or drilling sites.
- xiii. All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer, or disposal of any hazardous solid or liquid material or waste that is not positively contained such that it cannot migrate into the earth, ground water, or surface water, thereafter presenting the potential impact of polluting ground water.

Any such application denied a permit may seek an administrative authorization by demonstrating with clear and convincing evidence that the activity prohibited would pose no material risk of polluting the water source for a potentially affected PWS. Any decision on an administrative appeal may be heard before the City Council of the City of Payette.

B. As respects the Intermediate Vulnerability Tier designated by Ordinance No. _____, the following uses are hereby prohibited:

- i. Sanitary landfill.
- ii. CAFO as defined by code or rule.
- iii. Hazardous Waste Storage or Disposal Facility as defined herein.
- iv. Deep injection well (18 feet in depth or more), except when designed and used for geothermal heat, heat pump return flow, and uncontaminated cooling water return flow certified as such by a licensed professional engineer or other qualified professional including a public agency building inspector.
- v. Shallow injection well (less than 18 feet in depth), if the depth to ground water is less than 25 feet. All shallow injection wells shall use best management practice (BMP) options, such as those included in the most current version of DEQ's *Catalog of Stormwater Best Management Practices for Idaho Cities and Counties*. The following injection wells are exempt: aquifer recharge flow, aquifer remediation-related well, and septic tank and drainfield systems permitted and constructed according to law.
- vi. All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer, or disposal of any hazardous solid or liquid material or waste that is not positively contained such that it cannot migrate into the earth, ground water, or surface water, thereafter presenting the potential impact of polluting ground water.

Any such application denied a permit may seek an administrative authorization by demonstrating with clear and convincing evidence that the activity prohibited would pose no material risk of polluting the water source for a potentially affected PWS. Any decision on an administrative appeal may be appealed to the City Council of the City of Payette.

C. As respects the Outer Vulnerability Tier designated by Ordinance No. _____ the following uses are hereby prohibited:

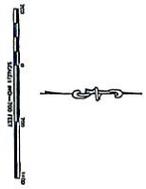
- i. Sanitary landfill.
- ii. Hazardous Waste Storage or Disposal Facility as defined herein.
- iii. Deep injection well (18 feet in depth or more), except when designed and used for geothermal heat, heat pump return flow, and uncontaminated cooling water return flow certified as such by a licensed professional engineer or other qualified professional including a public agency building inspector.
- iv. Shallow injection well (less than 18 feet in depth), if the depth to ground water is less than 25 feet. All shallow injection wells shall use BMPs, such as those included in the most current version of DEQ's *Catalog of Stormwater Best Management Practices for Idaho Cities and Counties*. The following injection wells are exempt: aquifer recharge flow, aquifer remediation-related well, and

- v. septic tank and drainfield systems permitted and constructed according to law. All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer, or disposal of any hazardous solid or liquid material or waste that is not positively contained such that it cannot migrate into the earth, ground water, or surface water, thereafter presenting the potential impact of polluting ground water. Any such applicant denied a permit may seek an administrative authorization by demonstrating with clear and convincing evidence that the activity prohibited would pose no material risk of polluting the water source for a potentially affected PWS. Any decision on an administrative appeal may be appealed to City Council of the City of Payette.

D. As respects the Surface Water Vulnerability Tiers designated by Ordinance No. _____, the following uses are hereby prohibited or restricted:

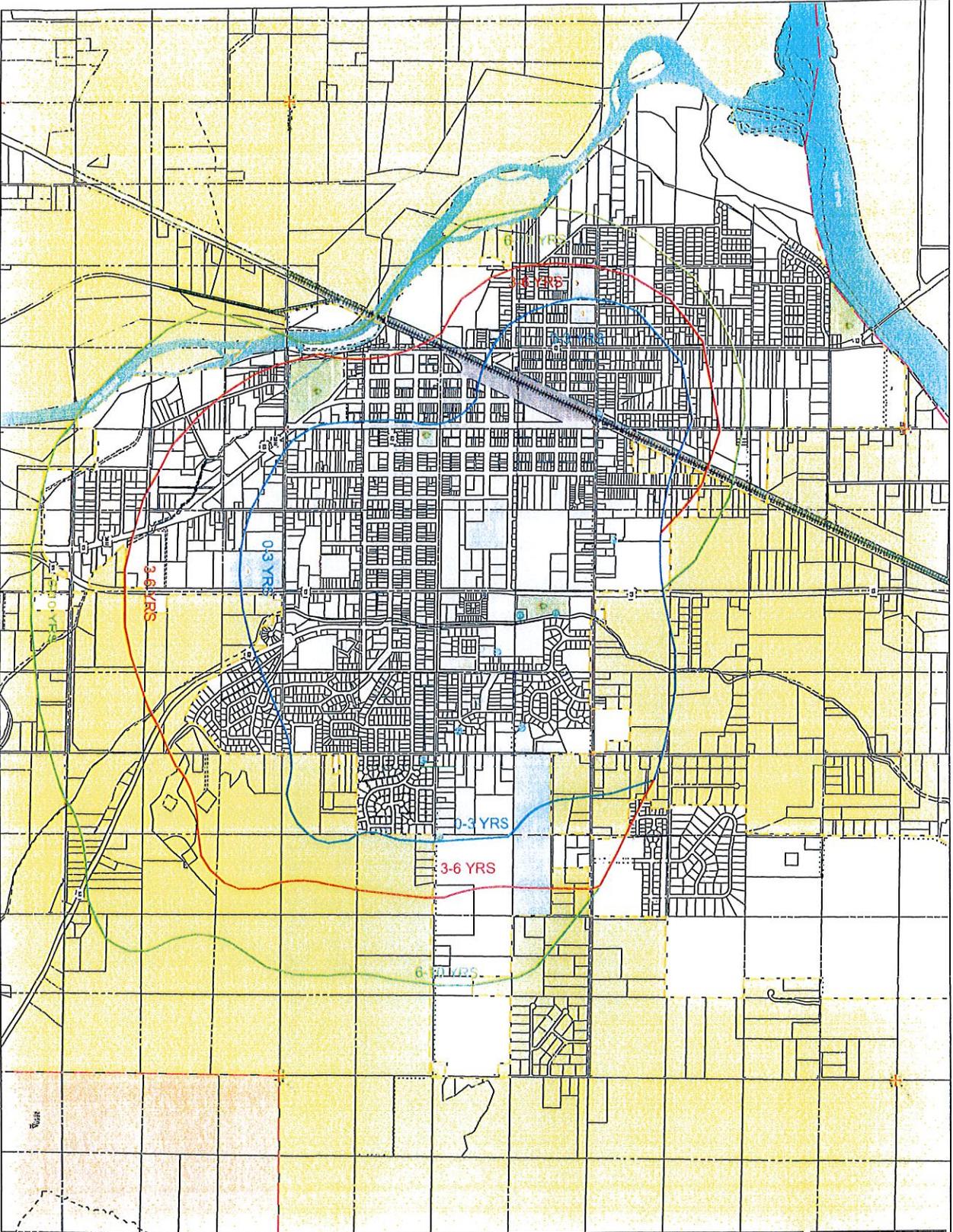
- Within the Surface Water Intake Tier, all uses that are not part of the public water supply intake apparatus and related equipment or facilities are prohibited unless such uses are downgradient from the water intake or do not pose any threat to the quality of water entering the surface water intake.
- ii. Within the Surface Water Watershed Tier, all land uses established or materially modified from their current state that are upgradient from the surface water intake shall be modified in ways that comply with BMPs adopted by resolution of the City Council.

City of Payette
 Payette County, Idaho
 Source Water Protection Ordinance



- Legend**
- WELL
 - CITY LIMITS
 - IMPACT AREA
 - COUNTY
 - SCHOOLS
 - PARKS

This map was developed by the City of Payette, Idaho, in cooperation with the Payette County, Idaho, and the City of Boise, Idaho, as part of the Source Water Protection Ordinance. The map was prepared by Holladay Engineering Co. and is based on the 2010 Census of Population and Housing for the City of Payette, Idaho, and the 2010 Census of Population and Housing for the County of Payette, Idaho. The map is intended for informational purposes only and does not constitute a warranty of any kind. The City of Payette, Idaho, and the City of Boise, Idaho, are not responsible for any errors or omissions on this map. The map is subject to change without notice.



SIDEWALK CAFÉ & OUTDOOR DINING DESIGN GUIDELINES

Introduction

The City of Payette recognizes the importance of outdoor dining to the vitality and success of our Downtown (C-1) Zone. These design guidelines are in place to promote the health, safety and welfare of our residents, businesses and visitors. All sidewalk cafes, outdoor dining facilities, and special events are subject to the City of Payette Ordinances, all applicable Building Codes, Fire Codes, Americans with Disabilities Act, and the State of Idaho Liquor regulations.

Purpose

These guidelines provide standards for outdoor dining areas throughout the Downtown Zone (C-1 Zone) with special attention to those dining areas in high visibility areas within the public right-of-way. Central to the process of allowing outdoor dining areas is the necessity of ensuring furniture and other items placed along the street positively contribute to the historic character of Downtown Payette.

The guidelines apply to all sidewalk cafes, outdoor dining facilities, and special events approved by the City of Payette. Failure to comply with these requirements constitutes a violation of Payette City Code.

Definitions

1. **Limit Line:** Area approved by the City of Payette to be occupied for an outdoor seating/dining/event use. Such area may be on sidewalks, where sidewalks are wide enough to accommodate the requested use plus space required for the pedestrian zone. Such pedestrian zone shall comply with the ANSI standards for accessibility, but in no case be less than five (5) feet in width. Areas located within on-street parking stalls shall in no case take up more than twelve (12) feet of the length of such stalls.
2. **Fence Line or Perimeter Fence:** A fence enclosing an outdoor seating/dining/event area, which may be on or within the limit line.

Other Regulations

City of Payette and the State of Idaho have adopted regulations that may apply to outdoor dining areas, seating areas, and/or special event areas. These may include, but may not be limited to:

- Alcoholic Beverages
- Sidewalk Café, Outdoor Dining, and Special Events
- Noise Regulations
- City Ordinances
- Sign Regulations
- State of Idaho Alcoholic Beverages (Title 23)

References are made to some of these regulations in these standards are for information purposes only. References are in italics. Not all regulations are referenced. Business owners should consult City of Payette and the State of Idaho regarding regulations, permitting and license requirements. For the purpose of these standards, where these standards are more restrictive than the State of Idaho, these standards shall prevail.

Placement of Fences and Furnishings

✓ Placement of Fences

The distance from any fence used to enclose a café or outdoor seating area, which fence is parallel to the building face, shall not exceed the limit line unless otherwise specified.

✓ Placement of Furnishings/Accessories

All furnishings/accessories except certain umbrella shades, awning or canopy extensions and planters shall be placed within the perimeter fence surrounding the outdoor dining/seating/event area, if a fence is required/provided, or within the limit line if no fence is required or provided. The furnishings include but are not limited to benches, chairs, tables, umbrella bases, awnings and canopies, planters, trash receptacles, and all other accessories or equipment.

Umbrella stands and any umbrella shade that is less than six (6) feet, eight (8) inches in height at its lowest point from the walking surface shall be located inside the perimeter fence and the limit line. If an umbrella shade is at least six (6) feet, eight (8) inches in height at its lowest point from the walking surface, then the umbrella shade may extend outside the perimeter fence and the limit line.

Planters owned by the business owner/operator are permitted in the outdoor dining/event area at the discretion of the business owner/operator as long as they're within the limit line. If an outdoor dining/event area has a perimeter fence, planters are permitted outside the fence line if they are within the limit line. If a business owner/operator desires planters outside the perimeter fence or suspended from the outside edge of the perimeter fence, the fence shall be placed or configured so both the fence and the planters are within the limit line.

Awnings and canopies that are attached to the building and extend from the building face to the limit line may include an extension beyond the limit line if the extension is at least seven (7) feet in height from the walking surface. Extensions shall not exceed one-half (1/2) feet beyond the limit line.

Design Standards

✓ Fences

Each outdoor dining/event area where alcohol is served shall have a continuous fence around the perimeter except for one opening as required by Idaho State Code¹. Fences installed shall be of metal, and be black, antique brown or bronze in color. Fences shall

be well-crafted and have a durable, professional finish. Prior to installing a fence, the business owner/operator shall obtain approval from the City of Payette for the design, materials and construction specifications to be used for the fence.

Fences shall have sturdy support poles and bases that can withstand heavy jostling and bumping. The bases and fence layout shall be designed to create a stable enclosure without anchoring the fence to the ground. Attaching the fence to the ground is not allowed. Connections at corners shall be made so fence does not pull apart under normal use. Fences shall be a minimum of thirty-six (36) inches in height. Fences shall not create a continuous barrier more than four (4) feet in height. Fences shall be removable to accommodate events and change in seasons. Fences that run more or less parallel to the curb line shall be equidistant from the curb line with allowances for indentations at entrance points and for planters. Where no curb line exists, the fence should be equidistant from the building face. Fence placement shall not be slipshod. City of Payette may require a business owner/operator to adjust fence alignment to meet these standards.

Bases on support posts for fences may extend an additional one (1) foot outside the limit line if the base lies flat on the ground. Combining a fence with a support structure for an overhead awning or canopy is allowed if approved in writing by the City of Payette. Outdoor dining areas where alcohol is not served are not required to have a continuous fence, but must have fencing between all dining areas and adjacent parking stalls and the street. All furnishings other than umbrella shades and awning or canopy extensions shall be placed within the limit line.

✓ Sidewalks

A minimum of five (5) foot wide continuous pedestrian access along the public sidewalk free from all obstructions is required and must not create any pedestrian hazard.

✓ Umbrellas, awnings and canopies

Umbrellas, awnings and canopies shall be of cloth, and use colors that are in compliance with the Downtown Historic Guidelines and complementary to the aesthetics of the building it serves. Umbrellas and freestanding awnings or canopies shall be plain with no writing, graphics or advertising permitted. Umbrellas shall be securely anchored in stands. Awnings and canopies attached to the building may include the name of the business if this signage is approved by the City of Payette as an allowed tenant identification sign and the proper sign permits have been obtained. Awnings and canopies that are attached to the building and extend from the building face to the limit line as provided in the section of placement of furnishings.

✓ Planters

The design of planters owned by business owners/operators is at the discretion of the business owner/operator as long as they are placed within the limit line and are complimentary to the colors of the building exterior.

✓ Trash receptacles

Each outdoor dining area shall have a trash receptacle with a lid within the fence lines/limit lines.

✓ Signage

Signage shall not be posted on fencing surrounding outdoor areas except for signs required by law or for small informational signs, such as; "No smoking on patio". Sign banners are not permitted. A-frame and T-frames signs shall be located within the outdoor area limit line for the outdoor area to which they belong or in the furnishing zone directly in front of the outdoor area. All signage shall comply with the City of Payette regulations.

✓ Decorative Lighting

Lighting on fencing is permitted if the intent is to add a festive, decorative element and not to attract attention. Lighting shall be white or clear in color and shall be understated. Flashing lights are not allowed. Light strands shall be kept in good repair and burned out bulbs shall be replaced.

✓ Accessibility

Location and number of tables, spacing of tables and access within the outdoor dining area must meet all Building Code and Americans with Disabilities Act requirements.

✓ Maintenance

Business owners/operators shall be responsible for maintaining fences and furnishings in such a manner that these improvements present a high quality image. Any fences or furnishings showing signs of wear, damage or failure shall be promptly refurbished, repaired and/or replaced.

¹The State of Idaho Alcohol Commission requires that outdoor dining areas where alcohol is served must be separated from pedestrian areas by a continuous enclosure except for one entry point. Such outdoor dining areas must also be immediately adjacent to the establishment serving alcohol. Signage must be posted that alcohol cannot be taken off-premises.